

Official Gazette

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No. 5

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THE OFFICIAL WEEK IN REVIEW

SWIFT developments in the Far Eastern situation caught up with the Philippines during the week. Close on the heels of an order of the United States Government extending the Foreign Funds Control to Japanese and Chinese assets and credits in the Philippines, admittedly in retaliation for Japan's move into French Indo-China, President Franklin Delano Roosevelt called and ordered into the service of the armed forces of the United States all of the organized military forces of the Commonwealth. Almost simultaneously with this action, President Roosevelt appointed, with the unanimous approval of the United States Senate, General Douglas MacArthur, Commonwealth Military Adviser, as Commanding General of the new Far East Command, which includes the Philippine Department and the Philippine Army. In a statement made public, American High Commissioner Francis B. Sayre expressed the opinion that General MacArthur is highly qualified to integrate and direct the joint defense measures of the United States and the Philippines "because of his past experience as organizer and developer of the Philippine Army." In a cable to Secretary of War Henry L. Stimson, President Quezon pledged to give General MacArthur all the cooperation and support that may be necessary, not only because of the Commonwealth's resolve to help the United States in every way possible during the present emergency, but also because General MacArthur "is the creator of the Philippine Army and is a well-known friend of the Filipino people." Immediately after his appointment, Lieutenant General MacArthur conferred with President Quezon and later on formulated a general plan for the integration of all the armed forces in the Philippines, envisioning a progressive incorporation of Philippine Army reserve divisions into the service of the United States. In line with this plan, the Philippine Army Air Corps will be ordered into the service of the United States on the 15th of this month. Brigadier General Henry B. Clagett, U. S. Army Air Corps, who arrived here recently, will command the combined air forces of the United States and the Philippines.

WITH respect to the extension of the Foreign Funds Control to Japan and China, the Office of the United States High Commissioner explained that the order affects only: (1) Chinese and Japanese nationals who have not resided in the Philippines since June 17, 1940; (2) partnerships,

associations, corporations or other organizations engaged in commercial activities within the Philippines, which are "nationals" of China or Japan. The former can not enter into any transaction relating to their property unless a license is obtained from the Office of the United States High Commissioner or the transaction falls under one of the general licenses, while the latter are allowed to negotiate transactions only with other Chinese and Japanese organizations or with persons who are not blocked under the order. As to trade between the Philippines and China and Japan, all transactions incident thereto are authorized provided the bank negotiating them verifies that they are incident to a bona fide importation or exportation.

EXERCISING his emergency power to requisition private industrial establishments in the Philippines in the interest of civilian defense, the President authorized the Civilian Emergency Administration to take over the operation of the Aboitiz Canning Factory in Cebu. The factory is to be paid for by the Government at a price to be determined by the parties concerned and from funds advanced by the Civilian Emergency Administration to the National Development Company, which shall have direct control and supervision of the cannery.

The abolition of the Landed Estates Survey Committee and the transfer of its functions and duties to the Rural Progress Administration was ordered by the President for the purpose of consolidating under only one management all the activities of the Government pertaining to the acquisition of landed estates, and in the interest of efficiency and economy. The President also: suspended Judge Quirico Abeto, of the Court of First Instance of Manila, pending formal investigation of charges brought against him; favorably endorsed a petition of provincial governors to have the National Government set aside some P2,000,000 as aid in the operation of provincial high schools; placed the presidential yacht *Casiana* at the disposal of the United States Navy for use as escort to ships passing through the mine fields sown at the entrance of Manila Bay; ordered the dismissal of Justice of the Peace Felisberto A. Broce of Calatrava, Occidental Negros, who was found guilty of administrative charges; designated Colonel Juan Dominguez as Acting Chief of Police of the City of Manila; approved the release of P277,500 from the Philippine Charity Sweepstakes fund for allotment to various civic and charitable institutions; issued an

order placing a number of provincial highways under the classification of National Roads.

MALACANAN released for publication the text of a letter sent by the President to Washington, asking President Roosevelt's support for the Resolution of the National Assembly petitioning the President and the Congress of the United States to suspend the export taxes on Philippine products and to establish a progressive limitation in the quantity of certain Philippine products entering the United States free of duty. The President's letter emphasized the fact that adverse effects created by the present emergency on Philippine business and economic conditions, and not the desire to evade the inevitable effects of war conditions, led the National Assembly to seek the relief requested.

IN ACCORDANCE with authorization granted last week by the President, negotiations were concluded by the National Rice and Corn Corporation for the importation of about 8,000 tons or 136,000 sacks of rice from Burma. First shipment of the cereal is expected to arrive in the Philippines during the latter part of this month.

CLARIFYING the Government's policy regarding port courtesies, Secretary Jorge B. Vargas said that these will continue to be granted to people who in ordinary international practice are given such courtesies. As to visitors whose diplomatic standing is not definitely known to local officials, the Collector of Customs, according to Secretary Vargas, is authorized to make the corresponding inquiry from the Office of the United States High Commissioner.

HOLDING that persons other than those mentioned in section 4 of the Marriage Law (Act No. 3613), as amended, who perform marriage ceremonies violate the general penal clause of the said law (section 44), the Secretary of Justice stated in an opinion that the act of certain Communists

in Pampanga in solemnizing marriages among themselves is illegal. Regarding baptisms performed by the same persons, however, the opinion said that, as ordinarily practised, they may be indulged in by persons, sects, or religions as an incident of their personal or religious liberty without transgressing any provisions of law.

In another opinion the Secretary of Justice rules that the power to determine what qualifications must be possessed by a pupil before he may be admitted in a public school resides exclusively in the Bureau of Education, in accordance with section 909 of the Revised Administrative Code. It is incidental to the exclusive power which the Bureau has to administer and supervise the public school system, the sole intervention of the local government therein being limited to the establishment and maintenance of the schools.

PRESIDENTIAL appointees Higinio B. Macadaeg and Enrique Fernandez, Judges-at-large; Florentino Saguin, Judge of the Courts of First Instance of Surigao and Agusan; Bonifacio Ysip, Cadastral Judge; and Feliciano Gardiner, District Attorney for the Fifth Judicial District, took their oaths of office before Secretary of Justice Teofilo Sison.

HARRY T. Frost, City Planning and Architectural Adviser to the Commonwealth Government, has severed his official connections here and goes back to his private practice in Chicago after laying out the plans for Quezon City, Tagaytay, Dansalan, and the Philippine Exposition.

DR. JACOBO Fajardo, former Director of the Bureau of Health and a pioneer organizer of health activities in the Philippines, died at Johns Hopkins Hospital in Baltimore, a victim of pneumonia, last July 23. His remains were shipped to Manila on the steamer *Doña Aniceta*, together with those of Francisco Varona, labor attache in the Office of the Resident Commissioner in Washington.

**EXECUTIVE ORDERS, ADMINISTRATIVE
ORDERS AND PROCLAMATIONS**

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 356

ABOLISHING THE LANDED ESTATES SURVEY COMMITTEE, CREATED BY ADMINISTRATIVE ORDER NO. 49, DATED OCTOBER 7, 1937, AND TRANSFERRING ITS FUNCTIONS AND DUTIES TO THE RURAL PROGRESS ADMINISTRATION, CREATED BY EXECUTIVE ORDER NO. 191, DATED MARCH 2, 1939.

For the purpose of consolidating under only one management all the activities of the Government pertaining to the acquisition of landed estates, and in the interest of efficiency and economy, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by law, do hereby abolish the Landed Estates Survey Committee, created by Administrative Order Numbered Forty-nine, dated October seventh, nineteen hundred and thirty-seven, and transfer its functions and duties to the Rural Progress Administration, created by Executive Order Numbered One hundred ninety-one, dated March second, nineteen hundred and thirty-nine.

Administrative Order Numbered Forty-nine, dated October seventh, nineteen hundred and thirty-seven, is hereby accordingly revoked.

Done at the City of Manila, this twenty-fifth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:
JORGE B. VARGAS
Secretary to the President

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 357

REVISING FURTHER EXECUTIVE ORDER NO. 135,
DATED DECEMBER 31, 1937, AS AMENDED, ES-
TABLISHING A CLASSIFICATION OF ROADS.

Executive Order Numbered One hundred thirty-five,
dated December thirty-first, nineteen hundred and thirty-
seven, as amended, is hereby further amended so as to
include the following roads in the classification of national
roads:

National roads	From Km.	To Km.	Length Km.
ILOCOS NORTE—			
Bacarra-Pasuquin-Burgos Road	512.24	564.56	52.32
OCCIDENTAL NEGROS—			
Sto. Niño-Benago Section of the Baco- lod-Sto. Niño Road.....	3.00	4.98	1.98
ROMBLON—			
Badajoz-Carmen Road	0.00	7.00	7.00
Odiongan to Ferrol Airport Road.....	54.80	64.00	9.20
TAYABAS—			
Casiguran Port-Dilalangan Road.....	0.00	21.20	21.20
Mulanay-Aurora Road	280.53	308.99	28.46

Done at the City of Manila, this thirtieth day of July,
in the year of Our Lord, nineteen hundred and forty-one,
and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

✓ ADMINISTRATIVE ORDER No. 146

ORDER OF ISSUE, PHILIPPINES 4½ PER CENT LOAN
OF 1941 (DUE 1971), COMMONWEALTH ACT
NO. 618.

Whereas section one of Commonwealth Act Numbered Six
hundred eighteen authorizes the President of the Philip-
pines to issue in the name and behalf of the Commonwealth
of the Philippines bonds to the amount of twenty million
pesos in one or more series for a term not exceeding thirty
years, and to sell said bonds, through the Treasurer of the
Philippines, by public auction or otherwise, upon such terms

and conditions as in his judgment are most favorable to the Commonwealth of the Philippines;

Whereas section two of the same Commonwealth Act Numbered Six hundred eighteen provides that out of the proceeds from the sale of the bonds authorized to be issued, five million pesos thereof shall be used "for replacement of the amount to be transferred from the government center fund reserve to the unencumbered surplus of the general fund, and fifteen million pesos for the construction of public improvements and for such other purposes as may be authorized by law";

Whereas the Honorable, the Secretary of Public Works and Communications, in a first indorsement dated July seventeenth, nineteen hundred and forty-one, recommends, in the meantime, the issue and sale of bonds authorized under said Commonwealth Act Numbered Six hundred eighteen, in the amount of two million five hundred thousand pesos to finance the construction of such public improvements authorized in section one of Commonwealth Act Numbered Six hundred eighteen as could be immediately undertaken;

Now, therefore, pursuant to the provisions of Commonwealth Act Numbered Six hundred eighteen, I, Manuel L. Quezon, President of the Philippines, in the name and behalf of the Commonwealth of the Philippines, hereby authorize the issuance of, and by these presents, do issue, for sale in the Philippines through the Treasurer of the Philippines at a price not below par, by public auction or otherwise, the first series of National Government bonds authorized to be issued under Commonwealth Act Numbered Six hundred eighteen, in the amount of two million five hundred thousand pesos, to bear the date of September first, nineteen hundred and forty-one, to be due and payable thirty years after said date of issue with interest at the rate of four and one-half per centum per annum, payable semi-annually. The bonds shall be in the denomination of fifty pesos or a multiple thereof and may be coupon bonds or registered bonds, and shall be registered in the Treasury of the Philippines at Manila, Philippines, where the principal and interest shall be payable in Philippine currency or its equivalent in United States currency, in the discretion of the Secretary of Finance.

Done at the City of Manila, this twenty-fourth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL] MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

✓ ADMINISTRATIVE ORDER No. 147

REQUIRING JUSTICE OF THE PEACE FELISBERTO
A. BROCE OF CALATRAVA, NEGROS OCCIDEN-
TAL, TO RESIGN HIS OFFICE.

Two separate administrative complaints were filed against justice of the peace Felisberto A. Broce of Calatrava, Negros Occidental, for purposely delaying the issuance of a warrant of arrest in a criminal case to favor the defendants therein who are his political followers, and for partisan political activities, respectively.

With regard to the first charge, the records show that at noon time of July tenth, nineteen hundred and forty, the chief of police of Calatrava went to respondent's house for the purpose of presenting a criminal action, for trespass to dwelling, against two defendants. The chief of police was accompanied by the offended party and the latter's witness and brought with him already prepared the criminal complaint and its supporting affidavits. The respondent ratified these affidavits of the complainant and his witness and promised to issue the warrant for the arrest of the defendants on the following day. The respondent, however, did not fulfill his promise and issued the warrant of arrest only on July thirteenth, purposely to give the defendants in the meantime the opportunity to settle the case amicably. As a matter of fact, on July eleventh, the respondent suggested to one of the accused upon the latter's inquiry as to how an amicable settlement of the case could be reached, that he see the chief of police and the offended party. Effectively, on July twenty-second, the offended party asked for the dismissal of the case, although the petition was not granted on account of the Fiscal's opposition.

In regard to the charge for partisan political activities, it has been shown that before the December elections of nineteen hundred and forty, the respondent actively campaigned for his candidate for mayor of Calatrava in several instances. At one time, the respondent personally counselled the father of an alleged minor who had illegally registered as a voter that he could allow his son to vote, provided the two of them should vote for respondent's candidate. The father consented to the suggestion and he was afraid that his son would be jailed if he should disobey respondent's wishes. The records further show that in three other instances the respondent personally interviewed

several voters and asked them to vote for his candidate. In one of these instances the respondent summoned the voter to his house, and in the other two cases, he personally went in company with his candidate and several other persons to the voters' homes.

The respondent further showed his partisan political activity when he personally delivered during the second registration day a telegram addressed by a candidate for membership in the provincial board to one of the election inspectors in a far away precinct. The respondent was interested in insuring the prompt delivery of the telegram to its addressee as it contained certain directions relative to a change of election inspector favorable to respondent's candidate.

The foregoing facts are established by the evidence of record and by the declarations of witnesses who had no reasons to fabricate their testimony against the respondent. In this connection, the provincial fiscal who investigated the charges reported that from the manner the witnesses testified, it was easy to conclude that they were telling the truth.

In view of the foregoing, I agree with the Secretary of Justice that the respondent is guilty of the charges and that there is no justification for his continuance in office. Wherefore, the respondent, Felisberto A. Broce, is hereby required to resign as justice of the peace of Calatrava, Negros Occidental, effective immediately.

Done at the City of Manila, this twenty-fifth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:
JORGE B. VARGAS
Secretary to the President

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 739

RESERVING FOR SCHOOL PURPOSES A PARCEL OF
THE PUBLIC DOMAIN SITUATED IN THE BAR-
RIO OF IMPALUTAO, MUNICIPALITY OF IMPA-
SUGONG, PROVINCE OF BUKIDNON, ISLAND
OF MINDANAO.

Upon the recommendation of the Secretary of Agriculture and Commerce and pursuant to the provisions of

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

✓ ADMINISTRATIVE ORDER No. 147

REQUIRING JUSTICE OF THE PEACE FELISBERTO
A. BROCE OF CALATRAVA, NEGROS OCCIDEN-
TAL, TO RESIGN HIS OFFICE.

Two separate administrative complaints were filed against justice of the peace Felisberto A. Broce of Calatrava, Negros Occidental, for purposely delaying the issuance of a warrant of arrest in a criminal case to favor the defendants therein who are his political followers, and for partisan political activities, respectively.

With regard to the first charge, the records show that at noon time of July tenth, nineteen hundred and forty, the chief of police of Calatrava went to respondent's house for the purpose of presenting a criminal action, for trespass to dwelling, against two defendants. The chief of police was accompanied by the offended party and the latter's witness and brought with him already prepared the criminal complaint and its supporting affidavits. The respondent ratified these affidavits of the complainant and his witness and promised to issue the warrant for the arrest of the defendants on the following day. The respondent, however, did not fulfill his promise and issued the warrant of arrest only on July thirteenth, purposely to give the defendants in the meantime the opportunity to settle the case amicably. As a matter of fact, on July eleventh, the respondent suggested to one of the accused upon the latter's inquiry as to how an amicable settlement of the case could be reached, that he see the chief of police and the offended party. Effectively, on July twenty-second, the offended party asked for the dismissal of the case, although the petition was not granted on account of the Fiscal's opposition.

In regard to the charge for partisan political activities, it has been shown that before the December elections of nineteen hundred and forty, the respondent actively campaigned for his candidate for mayor of Calatrava in several instances. At one time, the respondent personally counselled the father of an alleged minor who had illegally registered as a voter that he could allow his son to vote, provided the two of them should vote for respondent's candidate. The father consented to the suggestion and he was afraid that his son would be jailed if he should disobey respondent's wishes. The records further show that in three other instances the respondent personally interviewed

several voters and asked them to vote for his candidate. In one of these instances the respondent summoned the voter to his house, and in the other two cases, he personally went in company with his candidate and several other persons to the voters' homes.

The respondent further showed his partisan political activity when he personally delivered during the second registration day a telegram addressed by a candidate for membership in the provincial board to one of the election inspectors in a far away precinct. The respondent was interested in insuring the prompt delivery of the telegram to its addressee as it contained certain directions relative to a change of election inspector favorable to respondent's candidate.

The foregoing facts are established by the evidence of record and by the declarations of witnesses who had no reasons to fabricate their testimony against the respondent. In this connection, the provincial fiscal who investigated the charges reported that from the manner the witnesses testified, it was easy to conclude that they were telling the truth.

In view of the foregoing, I agree with the Secretary of Justice that the respondent is guilty of the charges and that there is no justification for his continuance in office. Wherefore, the respondent, Felisberto A. Broce, is hereby required to resign as justice of the peace of Calatrava, Negros Occidental, effective immediately.

Done at the City of Manila, this twenty-fifth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 739

RESERVING FOR SCHOOL PURPOSES A PARCEL OF THE PUBLIC DOMAIN SITUATED IN THE BARRIO OF IMPALUTAO, MUNICIPALITY OF IMPASUGONG, PROVINCE OF BUKIDNON, ISLAND OF MINDANAO.

Upon the recommendation of the Secretary of Agriculture and Commerce and pursuant to the provisions of

section eighty-three of Commonwealth Act Numbered One hundred and forty-one, as amended. I hereby withdraw from sale or settlement and reserve for school purposes, under the administration of the Director of Education, subject to private rights, if any there be, the following parcel of the public domain, situated in the barrio of Impalutao, municipality of Impasugong, Province of Bukidnon, Island of Mindanao, and particularly described in Bureau of Lands plan Swo-16331 (Psu-8910, sheet No. 2), to wit:

Lot No. 2, Psu-8910.—Beginning at a point marked 1 on Bureau of Lands plan Swo-16331, N. $4^{\circ} 52'$ E. 3.92 m., more or less, from B. L. B. M. No. 2, barrio of Impalutao, municipal district of Impasugong, thence S. $24^{\circ} 12'$ W. 104.25 m. to point 2; S. $3^{\circ} 24'$ W. 71.42 m. to point 3; S. $61^{\circ} 16'$ E. 348.38 m. to point 4; N. $19^{\circ} 03'$ E. 182.21 m. to point 5; N. $61^{\circ} 53'$ W. 268.24 m. to point 6; N. $66^{\circ} 36'$ W. 88.74 m. to point 1, point of beginning.

Containing an area of 63,850 square meters.

Point 6, P. L. S. concrete monument; and the rest are P. L. S. stone monuments.

Bounded on the northeast, by street and properties of Basilio Nababista and Tomas Pintoan; on the southeast, by property of Emiterio Mansalusad; on the southwest, by public land and property of Mateo Nanconlayan; and on the west and northwest, by road.

Bearings true. Declination, $2^{\circ} 00'$ E.

Points referred to are marked on Bureau of Lands plan Swo-16331 (Psu-8910, sheet No. 2).

Surveyed: June 21, 1916.

Approved: Jan. 25, 1917.

NOTE.—This survey cancels II-4076.

B. L. B. M. No. 1 and B. L. B. M. No. 2, Impalutao are tie points set by the private surveyor. They are both stone monuments marked B. L. B. M. and centered with holes.

In witness whereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this twenty-sixth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL]

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

PHILIPPINE ARMY ORDERED MERGED WITH U. S. ARMY

General MacArthur Appointed
Commanding General of
Far East Forces

WASHINGTON, *July 26, 1941*

PRIORITY
RADIO RECEIVED (Army)
No. 385

UNITED STATES HIGH COMMISSIONER
Manila

The President on July 26th issued order calling Philippine Army into service of United States at time to be fixed by General MacArthur who has been called to active duty and designated as Commanding General forces in Far East, including Philippine Department and Philippine Army. Please advise President Quezon.

HAMPTON

RECEIVED: MANILA, *July 27, 1941*

(NOTE.—The above radio communication was sent by Mrs. Ruth Hampton, Acting Director, Division of Territories and Island Possessions, Department of the Interior.)

MESSAGE FROM RESIDENT COMMISSIONER

WASHINGTON, *July 27, 1941*

RECEIVED: MANILA, *July 27, 1941*

(VIA RCA)
His Excellency
PRESIDENT QUEZON
Manila

URGENT. The President's Military Order follows:

"Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2 (a) (12) of the Philippine Independence Act of March 24, 1934, and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency and place under the command of a General Officer of the United States Army to be designated by the Secretary of War from time to time all of the organized military forces of the Government of the Common-

section eighty-three of Commonwealth Act Numbered One hundred and forty-one, as amended, I hereby withdraw from sale or settlement and reserve for school purposes, under the administration of the Director of Education, subject to private rights, if any there be, the following parcel of the public domain, situated in the barrio of Impalutao, municipality of Impasugong, Province of Bukidnon, Island of Mindanao, and particularly described in Bureau of Lands plan Swo-16331 (Psu-8910, sheet No. 2), to wit:

Lot No. 2, Psu-8910.—Beginning at a point marked 1 on Bureau of Lands plan Swo-16331, N. $4^{\circ} 52'$ E. 3.92 m., more or less, from B. L. B. M. No. 2, barrio of Impalutao, municipal district of Impasugong, thence S. $24^{\circ} 12'$ W. 104.25 m. to point 2; S. $3^{\circ} 24'$ W. 71.42 m. to point 3; S. $61^{\circ} 16'$ E. 348.38 m. to point 4; N. $19^{\circ} 03'$ E. 182.24 m. to point 5; N. $61^{\circ} 53'$ W. 268.24 m. to point 6; N. $66^{\circ} 36'$ W. 88.74 m. to point 1, point of beginning.

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Done at the City of Manila, this twenty-sixth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL]

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

PHILIPPINE ARMY ORDERED MERGED WITH U. S. ARMY

General MacArthur Appointed
Commanding General of
Far East Forces

WASHINGTON, *July 26, 1941*

PRIORITY
RADIO RECEIVED (Army)
No. 385
UNITED STATES HIGH COMMISSIONER
Manila

The President on July 26th issued order calling Philippine Army into service of United States at time to be fixed by General MacArthur who has been called to active duty and designated as Commanding General forces in Far East, including Philippine Department and Philippine Army. Please advise President Quezon.

HAMPTON

RECEIVED: MANILA, *July 27, 1941*

(NOTE.—The above radio communication was sent by Mrs. Ruth Hampton, Acting Director, Division of Territories and Island Possessions, Department of the Interior.)

MESSAGE FROM RESIDENT COMMISSIONER

WASHINGTON, *July 27, 1941*

RECEIVED: MANILA, *July 27, 1941*

(VIA RCA)
His Excellency
PRESIDENT QUEZON
Manila

URGENT. The President's Military Order follows:

"Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2 (a) (12) of the Philippine Independence Act of March 24, 1934, and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency and place under the command of a General Officer of the United States Army to be designated by the Secretary of War from time to time all of the organized military forces of the Government of the Common-

wealth of the Philippines, provided that all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District of the United States Navy.

"This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines from and after the dates and hours respectively indicated in orders to be issued from time to time by the General Officer of the United States Army designated by the Secretary of War."

General Douglas MacArthur was recalled to active duty by the Secretary of War and designated Commanding General of the New Far East Command. The President intends to appoint General MacArthur a temporary Lieutenant General.

ELIZALDE

**PRESIDENT ASSURES STIMSON OF FILIPINO
COOPERATION**

MANILA, *July 27, 1941*

Honorable HENRY L. STIMSON
Secretary of War
Washington, D. C.

I have just been informed of the designation of General Douglas MacArthur as the General Officer in command of the United States Army forces of the Far East under whom the organized military forces of the Commonwealth will also be placed (stop). It is unnecessary for me to tell you that the Government of the Commonwealth and the people of the Philippines will give to General MacArthur all the coöperation and support that may be necessary not only because of their resolve to place the man power and resources of the country at the command of the United States but also because General MacArthur is the creator of the Philippine Army and is a well known friend of the Filipino people.

MANUEL L. QUEZON

PRESIDENT CONGRATULATES MacARTHUR

MALACAÑAN PALACE
MANILA

July 27, 1941

My dear General MacArthur:

May I reiterate in writing the congratulations I conveyed to you in person this morning upon your highly merited appointment as commander of the United States military forces in the Far East, including the organized forces of the Commonwealth? I am sending you a copy of the telegram which I have sent to Secretary Stimson.

I am fully confident that you will attain in this difficult assignment the same success that has crowned your every endeavor in the past.

As ever,

Very affectionately yours,

(Sgd.) MANUEL L. QUEZON

President of the Philippines

Lieut. General DOUGLAS MACARTHUR

Commander, United States Military

Forces in the Far East

Manila

CONGRATULATIONS FROM SAYRE

OFFICE OF THE UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINES

July 27, 1941

I have received notification from Washington that the Philippine Army has been called into the service of the United States and that General MacArthur has been designated by the President as Commanding General of the forces of the Far East including the Philippine Department and the Philippine Army. Because of his past experience as Commanding General of the Philippine Department and as organizer and developer of the Philippine Army, General MacArthur is ideally equipped to integrate and direct the joint defense measures of the United States and the Philippines.

My warm congratulations go to General MacArthur for this high honor and this tribute to his ability as a soldier. In taking command of and continuing the work of building a strong and effective military defense force in the Far East, he will have the full cooperation of all concerned.

FRANCIS B. SAYRE

The United States High Commissioner

PRESIDENT ROOSEVELT FREEZES JAPANESE AND CHINESE ASSETS

PRESS RELEASE RECEIVED BY THE UNITED STATES HIGH COMMISSIONER

The following press release was issued by the White House and the Treasury Department on Saturday, July 26, 1941:

In view of the unlimited national emergency declared by the President, he has today issued an executive order freez-

ing Japanese assets in the United States in the same manner in which assets of various European countries were frozen on June 14, 1941. This measure in effect brings all financial and import and export trade transactions in which Japanese interests are involved under the control of the government and imposes criminal penalties for violation of the order. This executive order, just as the order of June 14, 1941, is designed among other things to prevent the use of the financial facilities of the United States and trade between Japan and the United States, in ways harmful to national defense and American interests, to prevent the liquidation in the United States of assets obtained by duress or conquest and to curb subversive activities in the United States.

At the specific request of Generalissimo Chiang Kai-shek and for the purpose of helping the Chinese Government, the President has, at the same time, extended the freezing control to Chinese assets in the United States. The administration of the licensing system with respect to Chinese assets will be conducted with a view to strengthening the foreign trade and exchange position of the Chinese Government. The inclusion of China in the executive order, in accordance with the wishes of the Chinese Government, is a continuation of this government's policy of assisting China.

EXECUTIVE ORDER No. 8832

July 26, 1941

AMENDMENT OF EXECUTIVE ORDER No. 8389 OF
APRIL 10, 1940

By virtue of the authority vested in me by section 5 B (of the Act of October 6, 1917) 40 Stat. (415) as amended, and by virtue of all other authority vested in me, I, Franklin D. Roosevelt, President of the United States of America, do hereby amend Executive Order No. 8389 of April 10, 1940, as amended, by changing the period at the end of subdivision (J) of section 3 of such order to a semicolon and adding the following new subdivision thereafter: (K) June 14, 1941—China and Japan.

FRANKLIN D. ROOSEVELT
The White House

AMENDMENT TO REGULATIONS

The regulations of April 10, 1940, as amended (sections 130.1 to 130.7), are hereby amended so that reports on Form TFR-300 shall be filed with respect to all property subject to the jurisdiction of the United States on the opening of business on July 26, 1941, as well as with re-

spect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on June 14, 1941, in which on the respective dates China or Japan or any national thereof had any interest of any nature whatsoever, direct or indirect, such reports shall be filed by the person specified in section 130.4 of the regulations and in the manner prescribed in the regulations.

E. H. FOLEY, JR.

Acting Secretary of the Treasury

Approved: July 26, 1941.

FRANKLIN D. ROOSEVELT

General License No. 13, as amended to July 26, 1941:

General License No. 13 is amended by deleting the following offices therefrom:

- (A) The Kobe, Shanghai and Amoy offices of the Nederlandsch Indische Handelsbank.
- (B) The Kobe and Shanghai offices of the Nederlandsche Handel Maatschappij.

General License No. 54 of July 26, 1941:

A general license is hereby granted licensing any transaction which is prohibited by the order solely by reason of the fact that it involves property in which China or Japan, or any national thereof, has at any time prior to July 26, 1941, but not on or since July 26, 1941, had any interest. This general license shall not be deemed to authorize any transaction, if (i) such transaction is by, or on behalf of, or pursuant to the direction of China or Japan, or any national thereof, or (ii) such transaction involves property in which China or Japan, or any national thereof, has at any time on or since July 26, 1941, had any interest.

General License No. 55 of July 26, 1941:

(1) A general license is hereby granted authorizing any banking institution within the United States to make payments from blocked accounts of China or Japan, or any national thereof:

- A. of checks and drafts drawn or issued prior to July 26, 1941, and to accept and pay and debit to such accounts drafts drawn prior to July 26, 1941, under letters of credit provided;

- (1) The amount involved in any one payment, acceptance, or debit does not exceed \$500, or

- (2) The amount involved in any one payment, acceptance, or debit does not exceed \$10,000 and the check or draft was within the United States in process of collection on or prior to July 26, 1941; and

B. of documentary drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to July 26, 1941.

(2) This general license shall not be deemed to authorize any payment to a blocked country, or national thereof, except payments into a blocked account in a domestic bank unless such foreign country or national is otherwise licensed to receive such payments.

(3) Banking institutions making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank (or other administrative agency) weekly reports showing the details of such transactions.

(4) This license shall expire at the close of business on August 26, 1941.

General License No. 56 of July 26, 1941:

(1) A general license is hereby granted licensing any partnership, association, corporation or other organization engaged in commercial activities within the territory of Hawaii and which is a national of China or Japan, to engage in all transactions ordinarily incidental to the normal conduct of its business activities within the territory of Hawaii: *Provided, however,* That this general license shall not authorize:

(A) Any transaction which could not be effected without a license if such organization were not a national of any blocked country; or

(B) Any payment, transfer or withdrawal from any blocked account in any banking institution within any part of the United States other than the Territory of Hawaii.

(2) Any organization engaging in business pursuant to this general license shall not engage in any transaction, pursuant to this general license or any other general license, which directly or indirectly, substantially diminishes or imperils the assets of such organization within the Territory of Hawaii or otherwise prejudicially affects the financial position of such organization within the Territory of Hawaii.

(3) Any such organization shall file with the Governor of the Territory of Hawaii within sixty days after the date hereof, an affidavit on form TFBE-1 setting forth the

data called for in such form. Any organization not complying with this requirement is not authorized to engage in any transaction under this general license.

(4) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(5) Any organization engaging in business pursuant to this general license shall file monthly reports in triplicate with the Governor of the Territory of Hawaii setting forth the details of the transactions engaged in by it during the reporting period. Such report shall indicate receipts and expenditures classified into general categories by source, payee and purpose.

General License No. 57 of July 26, 1941:

The British Crown Colony of Hong Kong is not a part of China within the meaning of the Order. By reason of the large number of nationals of blocked countries within Hong Kong and its inter-relation with the Chinese economy, a general license is hereby granted extending the privileges of all general licenses to Hong Kong to the same extent as though Hong Kong were a part of China.

General License No. 58 of July 26, 1941:

(1) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China other than Manchuria: *Provided*, the following terms and conditions are complied with:

(A) Such transaction is not by, or on behalf of, or pursuant to the direction of—

- (i) Any blocked country other than China, or
- (ii) Any person within Manchuria, or
- (iii) Any national of any blocked country other than China unless such national is within China.

(B) Such transaction does not involve property in which—

- (i) Any blocked country other than China, or
- (ii) Any person within Manchuria, or
- (iii) Any national of any blocked country other than China unless such national is within China, has at any time on or since the effective date of the Order had any interest, and

(C) Any banking institution within the United States, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that—

- (i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonable corresponds with the sums of money involved in financing such transactions; and
- (ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(2) Banking institutions within the United States engaging in any transactions authorized by this general license shall file promptly with the appropriate Federal Reserve Bank (or any other administrative agency) monthly reports setting forth the details of such transactions during such period, including appropriate identification of the accounts which are debited or credited in connection with any such transaction.

(3) As used in this general license a person shall not be deemed to be "within China" unless such person was situated within and doing business with China on and since June 14, 1941.

General License No. 59 of July 26, 1941:

(1) A general license is hereby granted licensing the offices within China of the following as generally licensed national:

- (A) The Chase Bank
- (B) National City Bank of New York
- (C) Underwriters Savings Bank
- (D) American Express Company
- (E) Moscow Narodny Bank, Ltd.
- (F) Thos. Cook and Son (Bankers) Ltd.
- (G) Hong Kong and Shanghai Banking Corporation
- (H) Mercantile Bank of India, Ltd.
- (I) David Sassoon and Co., Ltd.
- (J) E. D. Sassoon and Co., Ltd.

- (K) E. D. Sassoon Banking Co., Ltd.
- (L) Chartered Bank of India, Australia and China, Ltd.
- (M) Nederlandsch Indische Handelsbank
- (N) Nederlandsche Handel Maatschappij

(2) This general license shall also authorize any such office of any such banking institution to finance imports and exports, and transactions ordinarily incidental thereto, between any part of China except Manchuria and any of the following:

- (A) The United States
- (B) The American Republics (as defined in General License No. 53)
- (C) The British Commonwealth of Nations
- (D) The Union of Soviet Socialist Republics
- (E) The Netherlands East Indies;

Provided, however, That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account: *And provided further,* That any such office of any such bank, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to the general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that:

- (i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and
- (ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(3) The general license shall not be deemed to authorize any transaction by, or on behalf of, or pursuant to the direction of any person whose name appears on "the proclaimed list of certain blocked nationals" or involving property in which any such person has at any time on or since the effective date of the Order had any interest.

(4) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banking institutions shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

General License No. 60 of July 26, 1941:

(1) A general license is hereby granted licensing the National Government of the Republic of China and the Central Bank of China as generally licensed national.

(2) Any transaction engaged in by such government or such bank pursuant to the Order of or for the account of any person within China is also hereby authorized to the same extent, and under the same circumstances, as though such transaction were solely for the account of such government of such bank: *Provided, however,* That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account except as provided in paragraph (3) of this general license.

(3) This general license shall also authorize any payment or transfer of credit or transfer of securities from any blocked account in which any national of China has an interest to an account in a domestic bank in the name of such government or such bank; provided, no other blocked country or any national thereof has any interest, or has had an interest in such blocked account at any time on or since the effective date of the Order.

(4) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of such government or such bank or from any blocked account referred to in paragraph (3) shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

(5) The term "generally licensed national" as applied to the National Government of the Republic of China shall mean that such government may be regarded as though China were not a blocked country, and all persons to the extent that they are acting for or on behalf of such government may be regarded as generally licensed national.

General License No. 61 of July 26, 1941:

(1) A general license is hereby granted licensing the offices outside the United States and not within any blocked country other than China of the following Chinese banks as generally licensed nationals:

- (A) The Bank of China;
- (B) The Bank of Communications; and
- (C) The Farmers Bank.

Any transaction engaged in by any such office or any such bank pursuant to the order of or for the account of any person not within any blocked country is also hereby authorized to the same extent, and under the same circumstan-

ces, as though such transaction were solely for the account of such office of such bank: *Provided, however*, That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account.

(2) This general license shall also authorize any such office of any such banking institution to finance imports and exports, and transactions ordinarily incidental thereto, between any part of China except Manchuria and any of the following:

- (A) The United States
- (B) The American Republics as defined in General License No. 53
- (C) The British Commonwealth of Nations
- (D) The Union of Soviet Socialist Republics
- (E) The Netherlands East Indies

Provided, however, That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account. *And provided further*, That any such office of any such bank, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that:

- (i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and
- (ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(3) This general license shall not be deemed to authorize any transaction by, or on behalf of, or pursuant to the direction of any person whose name appears on "the proclaimed list of certain blocked nationals" or involving property in which any such person has at any time on or since the effective date of the Order had any interest.

(4) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banks shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

General License No. 62 of July 26, 1941:

(1) A general license is hereby granted licensing as generally licensed national:

- (A) China Defense Supplies, Inc.
1601 V Street, NW, Washington, D. C.
- (B) The Universal Trading Corporation,
630 Fifth Avenue, New York, New York; and
- (C) The New York Office of The Bank of China.

General License No. 63 of July 26, 1941:

A general license is hereby granted licensing as generally licensed nationals the offices in the Philippine Islands of:

- (A) The China Banking Corporation
- (B) The Philippine Bank of Communications
- (C) The Yokohama Specie Bank, Ltd., and
- (D) The Bank of Taiwan

General License No. 64 of July 26, 1941:

(1) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the Philippine Islands and China and between the Philippine Islands and Japan: *Provided*, The following terms and conditions are complied with:

- (A) Such transaction is not by, or on behalf of, or pursuant to the direction of—
 - (i) Any blocked country other than China or Japan, or
 - (ii) Any national of any blocked country other than China or Japan unless such national is within China or Japan.
- (B) Such transaction does not involve property in which—
 - (i) Any blocked country other than China or Japan, or
 - (ii) Any national of any blocked country other than China or Japan unless such national is within China or Japan, has at any time on or since the effective date of this Order had any interest;
- (C) Such transaction does not involve any payment, transfer or withdrawal from any blocked account in any banking institutions within any part of the United States other than the Philippine Islands; and

(D) Any banking institution within the Philippine Islands, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that;

(i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction. And

(ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(2) Banking institutions within the Philippine Islands engaging in any transactions authorized by the general license shall file promptly with the High Commissioner of the Philippine Islands monthly reports setting forth the details of such transaction during such period, including appropriate identification of the accounts which are debited or credited in connection with any such transaction.

(3) As used in this general license a person shall not be deemed to be "within China" or "within Japan," respectively, unless such person was situated within and doing business within China or Japan, respectively, on and since June 14, 1941.

General License No. 65, of July 26, 1941:

(1) A general license is hereby granted licensing any partnership, association, corporation or other organization engaged in commercial activities within the Philippine Islands and which is a national of China or Japan, to engage in all transactions ordinarily incidental to the normal conduct of its business activities within the Philippine Islands: *Provided, however,* That this general license shall not authorize:

(A) Any transaction which could not be effected without a license if such organization were not a national of any blocked country; or

- (B) Any payment, transfer or withdrawal from any blocked account in any banking institution within any part of the United States other than the Philippine Islands.

(2) Any organization engaging in business pursuant to this general license shall not engage in any transaction, pursuant to this general license or any other general license, which, directly or indirectly, substantially diminishes or imperils the assets of such organization within the Philippine Islands or otherwise prejudicially affects the financial position of such organization within the Philippine Islands.

(3) Any such organization shall file with the High Commissioner of the Philippine Islands, within sixty days after the date hereof, an affidavit on form TFBE-1 setting forth the data called for in such form. Any organization not complying with this requirement is not authorized to engage in any transaction under this general license.

(4) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(5) Any organization engaging in business pursuant to this general license shall file monthly reports in triplicate with the High Commissioner of the Philippine Islands setting forth the details of the transactions engaged in by it during the reporting period. Such report shall indicate receipts and expenditures classified into general categories by source, payee and purpose.

General License No. 66 of July 26, 1941:

A general license is hereby granted licensing as generally licensed nationals the offices in the Territory of Hawaii of:

- (A) The American Security Bank;
- (B) The Honolulu Trust Company;
- (C) The Liberty Bank of Honolulu;
- (D) The Pacific Bank;
- (E) The Sumitomo Bank of Hawaii; and
- (F) The Yokohama Specie Bank, Ltd.

General License No. 67 of July 26, 1941:

(1) A general license is hereby granted authorizing payments, transfers or withdrawals from blocked accounts, in domestic banks, of any partnership, association, corporation or other organization engaged in commercial activities within the United States and which is a national of

China or Japan for the purpose of paying current salaries, wages or other compensation due employees of such organization: *Provided*, That:

- (A) Such employees are engaged in employment in and residing in the United States; and
- (B) The total payments, transfers or withdrawals from blocked accounts of any such organization for such purpose does not exceed in any one week the average weekly payroll, for such employees of such organization, during the six months period immediately preceding the date of this license.

(2) Any bank effecting any such payment, transfer or withdrawal shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(3) Each such organization shall promptly file weekly reports in triplicate with the appropriate Federal Reserve Bank with respect to any such payments, transfers or withdrawals made from its blocked accounts during the reporting period. Such report shall include:

- (A) The total amount of such payments, transfers or withdrawals made during such period;
- (B) The names and addresses of the domestic banks holding the blocked accounts from which such payments, transfers or withdrawals were made, and the amount of such payments, transfers or withdrawals made from the blocked accounts in each bank; and the first weekly report filed by such organization shall include
- (C) Comparable data for each of the six months preceding the date of this license.

(4) This license shall expire at the close of business on August 26, 1941.

General License No. 68 of July 26, 1941:

(1) A general license is hereby granted licensing as generally licensed nationals individuals who are nationals of China and Japan and who have been residing only in the United States at all times on and since June 17, 1940: *provided, however*, That this license shall not be deemed to license as a generally licensed national any individual who is a national of China or Japan by reason of any fact other than that such individual has been a subject or citizen of China or Japan at any time on or since such date.

(2) Reports on form TFR-300 are not required to be

filed with respect to the property interests of any individuals licensed herein as generally licensed nationals.

General License No. 69 of July 26, 1941:

A general license is hereby granted licensing the following as generally licensed nationals:

- (A) The San Francisco office of the Bank of Canton;
- (B) The Sacramento office of the Sumitomo Bank of California;
- (C) The Seattle office of the Sumitomo Bank of Seattle;
- (D) The offices in Los Angeles, San Francisco, and Seattle of The Yokohama Specie Bank, Ltd.

Form TFBE-1 (Rev.)
TREASURY DEPARTMENT
OFFICE OF THE SECRETARY

INFORMATION TO BE SUBMITTED IN AFFIDAVIT
FORM BY PERSONS APPLYING FOR A LICENSE
TO OPERATE A BUSINESS ENTERPRISE PUR-
SUANT TO EXECUTIVE ORDER No. 8389, AS
AMENDED.

Business enterprises applying for a license to do business pursuant to Executive Order 8389, as amended (or applying for renewal of such license), should, when the following information has not heretofore been submitted as herein prescribed, submit with such application an affidavit in triplicate setting forth information with respect to the following points, which information should be given under oath by a responsible executive officer of the business enterprise.

(1) The name of the business enterprise; state or political entity under laws of which organized; length of time during which business enterprise has been operating as a going concern; location of head office and of all branches, subsidiaries, affiliates, and sales offices located outside of the United States.

(2) Statement as to whether a report on TFR-100 has been filed with respect to all the assets of the business enterprise required to be reported pursuant to section 10 of the Order, indicating by whom such report was prepared and filed and whether or not such report does in fact cover all property required to be reported.

(3) Description of the type of business operated and the chief products dealt in or produced, indicating the extent to which the business involved international transactions and the countries or geographical areas concerned. If business

is transacted primarily with a limited number of concerns, statement to that effect should be made and name, address, and "nationality" of each such concern should be indicated.

(4) A list of the directors and executive officers of the business, giving in each case "nationality," citizenship, and present address. With respect to any such persons who are not citizens of the United States, but are presently within the United States, information should be supplied as to the date of latest entry into the United States, type of visa upon which entry was obtained, present foreign connections, and statements as to the last time the person left the United States, indicating reason therefor, and length of stay outside of the country. Should any director or executive officer be presently located outside of the United States, statement to that effect should be made and information should be furnished as to his present whereabouts, his present authority over accounts and property of the business enterprise, and the extent of his participation in the operation of the company. If any such director or executive officer is permanently resident abroad, statement to that effect should be made, indicating country and city in which he is domiciled. If any such director or executive officer is temporarily absent from the United States, statement should be made as to the anticipated length of his absence from the United States and his itinerary.

(5) Name, address, present whereabouts, and "nationality" of persons directly or indirectly controlling the business enterprise or who own or control directly or indirectly a substantial part of the stock, shares, bonds, debentures, or other securities or obligations of the enterprise and similar information with respect to all persons acting or purporting to act directly or indirectly for the benefit or on behalf of the foregoing, indicating in each case the extent of ownership or control:

(a) as of the date on which the affidavit is executed;

(b) as of January 1, 1939.

Any changes which have occurred subsequent to January 1, 1939, should be described in detail. Statement should also be made as to the name, address, and "nationality" of any person who, since January 1, 1939, has made a gift or other similar contribution to the business enterprise, and the significant details of each such transaction should be fully explained.

(6) Statement as to whether or not the business enterprise has been, since January 1, 1939, or is presently affiliated with, owned by, or possessed of any interest in any other enterprise, foreign or domestic, identifying all such enterprises and stating in detail the nature of relationship in each case and extent of ownership, control, or any other

interest. Also furnish a detailed statement of all transactions since January 1, 1939, having as their effect any material change in any such affiliation, ownership, or interest.

(7) Summary description of each item of the capital structure (including funded debt) of the business enterprise giving significant details with respect to indentures, voting rights, and preference in liquidation, together with detailed explanation of any changes which have occurred therein since January 1, 1939.

(8) Detailed statement of all assets, wherever located (indicating country in which located), and liabilities, direct or contingent, of the business enterprise, identifying principal creditors and debtors, and stating "nationality" in each case. Included in this statement should be:

- (a) the name and location of all banking institutions within the United States or any foreign country with which the business enterprise maintains accounts;
- (b) a list of all accounts maintained by the business enterprise in such banking institutions, indicating the condition of each account as of recent date; and
- (c) declaration of all amounts of U. S. currency and coin in excess of \$1,000 held by or for the account of the business enterprise and not included in (a) or (b) above, or if so, included but held in a custody account. Also indicate the present location and custodian of such currency or coin.

(9) Name, address, and "nationality" of any person or enterprise which owns, controls, or licenses the use of any patents, copyrights, machinery, processes, or operating methods used by the business enterprise and similar information with respect to any person or enterprise which uses any patents, copyrights, machinery, processes, or operating methods owned, controlled, or licensed by the business enterprise, indicating in each case the type of contract, agreement, or arrangement under which such patents, copyrights, machinery, processes, or operating methods are used.

(10) Full statement of any agreements between the business enterprise and any other persons, whether or not such agreements are in the form of written contracts or have otherwise been reduced to writing, which have as their purpose or effect influence or control by such other persons over the business enterprise, or by the business enterprise over such other persons.

(11) An itemized statement of estimated monthly expenditures and estimated monthly receipts, together with a statement of expenditures and receipts during a comparable period in the past. Expenditures are to be classified by purpose of expenditure, by expenditures within the United States and in any foreign country, and in detail with respect to each such foreign country, and if a substantial portion of the expenditures are to go to a limited number of entities, the name, address, and "nationality" of, and the amount to be paid to, each such recipient firm should also be given. Information as to estimated monthly receipts should include a similar statement with regard to the sources thereof. If it is expected that monthly receipts or expenditures will fluctuate widely during the year, a description and explanation of such fluctuations should be given.

(12) An exact statement of the transactions or operations to be covered by the license for which application is filed.

(13) Statement of all other relevant facts regarding the business enterprise which would be material to a complete understanding of its nature and/or operations.

The affidavit submitted in response to this form should refer to each item above by number, and should make full response to each such item even though such information may have been furnished in applications for licenses, reports, or other documents heretofore filed pursuant to the Executive Order, as amended, and in cases where a complete answer is not made to any item, it should contain a detailed statement as to the reason why such information is not made available. The affidavit should conclude with the following statement:

"The above information is given by me as
(State office held)

of in response to questionnaire
(Name of concern)

Form TFBE-1 of the Treasury Department, a copy of which is attached hereto and made a part hereof. Such affidavit has been prepared by me, or under my direction, and I have personal knowledge of the facts stated therein. No material facts or pertinent information called for by such questionnaire have been omitted except as specifically indicated above."

NOTE.—Where information as to "nationality" is required herein, indication should be given as to whether or not the person is a "national" as defined in Executive Order 8389, as amended. If person is a "national" of one of the countries named in the Order, statement to that effect should be made and the country of which he is a "national" should be indicated. If the person is not a "national" of any of the foreign countries named in the Order, a statement to that effect should be made, indicating his citizenship and domicile.

PRESIDENT QUEZON ASKS SUSPENSION OF TAXES ON PHILIPPINE EXPORTS

Resolution of National Assembly
Transmitted to President
and Congress of U. S.

MALACAÑAN PALACE
MANILA

June 11, 1941

MY DEAR MR. PRESIDENT:

Pursuant to the request of the National Assembly, I take pleasure in transmitting herewith its Resolution No. 108 petitioning the President and the Congress of the United States for the suspension of the effects of the provisions of section 6 of the Act of Congress of the United States approved on March 24th, 1934 (P. A. No. 127) as amended by the Act approved on August 7, 1939 (P. A. No. 300), which impose export taxes on Philippine products shipped from the Philippines to the United States, and establish a progressive limitation in the quantity of certain Philippine products that may be admitted free of duty into the United States during the period from January 1, 1941, to July 3, 1946, such suspension to remain effective for the duration of the present emergency or until the President of the United States shall, by proclamation, order otherwise. I am fully in accord with this resolution of the National Assembly and I wish to recommend it to your favorable consideration and that of the Congress of the United States.

In providing for a transition period of ten years preparatory to independence, the Congress of the United States had in mind the need of bringing about an adjustment of the Philippine economy to a position of nonpreferential trade with the United States. To this end, the Independence Act provided for the imposition of a progressive export tax on certain Philippine articles shipped to the United States in order to induce producers to gradually decrease their cost of production, and for a progressive limitation of the amount of other commodities which were then greatly dependent upon free trade with the United States, to prevent their continued expansion and reduce their exportation to the United States. In the case of sugar and

cordage, a fixed quota was provided throughout the adjustment period and, in addition, an export tax was to be collected thereon. These provisions of the Independence Act were undoubtedly predicated upon the normal conditions then prevailing in world trade, for it is evident that the Congress could not have foreseen the present emergency and much less anticipated that the intended adjustment of Philippine economy would be possible under circumstances such as those now obtaining.

The Congress of the United States considered advisable the imposition of the export tax on the premise that the trade preference enjoyed by Philippine products in the United States gave producers a sufficient margin of profit to permit them to pay the tax and at the same time allow them an opportunity for profitable operation. While this was probably the case when the Independence Act was passed, it is no longer true at present because the large increase in freight and insurance rates have more than absorbed the profits of producers, since the market prices for practically all the articles subject to the tax have not increased in proportion to the increase in freight and insurance rates. Under present conditions, producers of articles subject to the export tax are barely covering production costs and the imposition of such tax is proving a heavy burden upon them.

With regard to articles which are subject to quota limitations, the impossibility of exporting them to other countries has made necessary a gradual reduction of the production of such commodities to the quota fixed for each year. This reduction has made difficult a decrease in production costs and has brought about an increase in unemployment among the laboring class. In particular, sugar and cordage have suffered heavily from the increase in freight and insurance rates. Freight rates for sugar have increased from \$7.50 per ton, when the Independence Act was passed, to the present rate of \$25 and more per ton. As to cordage, freight rates have almost doubled from what they were when the Independence Act was passed and is at present \$67 per ton to the Atlantic Coast. The net result of these increases is that Philippine producers are now receiving for their sugar and cordage about 25 per cent less than what they were getting when the Independence Act was passed. It is moreover evident that this situation is bound to become worse with the aggravation of the current emergency.

In addition to these adverse effects upon Philippine economy, we are now facing an acute shipping shortage which

makes most difficult the transportation of Philippine products to the United States. In the case of sugar alone, it is feared that, unless the Government of the United States makes available more ships for the Pacific service, the Philippines will not be able to fill its quota for this year by about 150,000 tons.

The application of the Export Control Act to the Philippines is accentuating our economic difficulties. While probably we might market in the United States the products now being subjected to export prohibitions or limitations, which formerly went to other countries, the lack of shipping facilities to America will, I am afraid, render impossible the exportation of such articles.

Coincidental with these adverse effects on our business and economic conditions, living costs in the Philippines are going upward because of the increased price of imported articles of food and clothing due to rising prices in the United States and increased freight and insurance rates. Moreover, this increase in living costs is occurring at a time when a large number of laborers are being laid off by industries because of a reduction in their exportable quotas to the United States, and because of the fear that due to lack of shipping facilities and war restrictions generally, their products may not be transported to America or elsewhere. This is specially the case with regard to leaf tobacco. Formerly a very large percentage of this article was sold in Europe but, today, owing to war conditions in that part of the world, this outlet has been completely closed. This year we anticipate that no market will be found for about 40 per cent of our tobacco crop. The prospects facing this industry in the coming years appear still more somber.

In view of these circumstances which have upset our whole economic adjustment program, I wish to appeal to you and to the Congress of the United States for a sympathetic consideration of our present difficulties. The relief requested by the National Assembly will, evidently, not solve these difficulties but will undoubtedly alleviate them in some way. We are not trying, I assure you, to evade the inevitable effects of war conditions, or to shirk that part of the burden which, because of these conditions, we are expected to assume. Our purpose is merely to postpone the effects of a legislation which was intended to accomplish a certain purpose, but which, under present conditions would not only fail to bring about the desired result, but would, on the contrary, make it even more difficult of attainment.

Trusting that this matter will merit your early consideration and that of the Congress of the United States, I remain

Yours very sincerely,

MANUEL L. QUEZON
President of the Philippines

His Excellency
FRANKLIN D. ROOSEVELT
President of the United States
The White House
Washington, D. C.

(Thru His Excellency,
The United States High Commissioner
to the Philippines
Manila)

DEPARTMENT AND BUREAU ADMINISTRATIVE ORDERS AND REGULATIONS

DEPARTMENT OF THE INTERIOR

PROVINCIAL CIRCULAR (UNNUMBERED)

June 30, 1941

SALE OF MEAT OF ANIMALS SLAUGHTERED IN NATIONAL SLAUGHTERHOUSES WITHOUT PAYING CERTAIN EXTRA FEES OR LEVIES.

There is quoted hereunder for the information and guidance of all concerned a self-explanatory letter, dated June 21, 1941, to this Department of the Honorable, the Secretary to the President, on the above subject:

I have the honor to inform you that His Excellency, the President, has today approved Bill No. 2884, entitled "An Act to permit the sale of meat of animals slaughtered in the national slaughterhouses in any place, without paying extra fees or levies of any kind," now Commonwealth Act No. 655.

It is the understanding of the President that nothing in this law shall be interpreted as preventing the cities, municipalities, and municipal districts concerned from collecting the normal fees for the use of their markets, tiendas, or stalls in the sale of meats of animals slaughtered in slaughterhouses operated by the National Government and the collection of the usual internal revenue taxes, except that such cities, municipalities, or municipal districts will be simply prohibited from imposing upon meat of animals slaughtered in the national slaughterhouses of a city or municipal slaughterhouse fee or of other fees, charges and taxes to which meat of animals slaughtered

in the city or municipal slaughterhouses is not subject, or of higher fees, taxes and charges than those imposed upon meat of animals slaughtered in the city or municipal slaughterhouse.

Provincial boards are requested to transmit the contents of this circular to the municipal and municipal district councils under their respective jurisdiction.

RAFAEL R. ALUNAN
Secretary of the Interior

To ALL—

Provincial and Municipal
Boards, City Councils and
the Councils of the Special
Municipalities of Romblon

DEPARTMENT OF JUSTICE TO TRY PANGASINAN CASES

May 22, 1941

ADMINISTRATIVE ORDER }
No. 108 }

In the interest of the administration of justice, the Honorable Fidel Ibañez, Judge-at-large, is hereby authorized to hold court in the Province of Pangasinan, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

ASSIGNMENT OF JUDGE AMADOR

May 22, 1941

ADMINISTRATIVE ORDER }
No. 109 }

In the interest of the administration of justice, the Honorable Amado P. Amador, Judge-at-large, is hereby authorized to hold court in the Province of Rizal and at Quezon City, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE VELUZ TO CAMARINES SUR*May 22, 1941*ADMINISTRATIVE ORDER }
No. 110 }

In the interest of the administration of justice, the Honorable Jose P. Veluz, Judge-at-large, is hereby authorized to hold court in the Province of Camarines Sur, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

COURT IN SURIGAO AND AGUSAN*May 22, 1941*ADMINISTRATIVE ORDER }
No. 111 }

In the interest of the administration of justice, the Honorable Florentino Saguin, Judge-at-large, is hereby authorized to hold court in the Provinces of Surigao and Agusan, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

TEMPORARY DETAIL DUTY*May 22, 1941*ADMINISTRATIVE ORDER }
No. 112 }

In the interest of the service, the Honorable Roberto Concepcion, Judge-at-large, is hereby detailed to temporary duty in the Department of Justice until further orders.

EMILIO ABELLO
Undersecretary of Justice

CADASTRAL CASES IN ZAMBALES*May 26, 1941*ADMINISTRATIVE ORDER }
No. 113 }

In the interest of the administration of justice, the Honorable Ricardo Summers, Judge of First Instance under

Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of San Narciso, Province of Zambales, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

COURT AT DIPOLOG, ZAMBOANGA

May 26, 1941

ADMINISTRATIVE ORDER }
No. 114 }

In the interest of the administration of justice, the Honorable Anatalio C. Mañalac, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Dipolog, Province of Zamboanga, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

COURT AT BUTUAN, AGUSAN

May 26, 1941

ADMINISTRATIVE ORDER }
No. 115 }

In the interest of the administration of justice, the Honorable Iñigo Daza, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Butuan, Province of Agusan, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

TRIAL OF GENERAL CASES

May 29, 1941

ADMINISTRATIVE ORDER }
No. 116 }

In the interest of the administration of justice, the Honorable Servillano de la Cruz, Judge-at-large, is hereby authorized to hold court at the City of Baguio, Mountain

Province, and La Union, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

JOSE ABAD SANTOS

Secretary of Justice

ASSIGNMENT OF JUDGE CONSING

May 26, 1941

ADMINISTRATIVE ORDER }
No. 117 }

In the interest of the administration of justice, the Honorable Lope Consing, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Cagayan, Province of Misamis Oriental, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS

Secretary of Justice

JUDGE BAUTISTA TO ABRA

May 31, 1941

ADMINISTRATIVE ORDER }
No. 118 }

In the interest of the administration of justice and pursuant to his request, the Honorable Jose S. Bautista, Judge, First Judicial District, is hereby authorized to hold court in the Province of Abra during the month of June, 1941, for the purpose of trying all kinds of cases and to enter final judgments therein.

EMILIO ABELLO

Undersecretary of Justice

INVESTIGATION WORK

June 5, 1941

ADMINISTRATIVE ORDER }
No. 119 }

In the interest of the public service, the Honorable Francisco Albert, Judge-at-large, is hereby authorized to continue with the investigation of the charges against Captain Manuel Argonza of the Manila Police.

EMILIO ABELLO

Undersecretary of Justice

LAND REGISTRATION AND CADASTRAL CASES

*June 5, 1941*ADMINISTRATIVE ORDER }
No. 120 }

In the interest of the administration of justice, the Honorable Higino de Guia, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 9, 1941, or as soon thereafter as practicable, to hold court in the Province of Nueva Ecija for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

CADASTRAL HEARINGS

*June 5, 1941*ADMINISTRATIVE ORDER }
No. 121 }

In the interest of the administration of justice, the Honorable Patricio Ceniza, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning July, 1, 1941, or as soon thereafter as practicable, to hold court in the municipality of Sibulang, Province of Negros Oriental, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

TO PASS IN DAVAO

*June 6, 1941*ADMINISTRATIVE ORDER }
No. 122 }

In the interest of the administration of justice, the Honorable Salvador Abad Santos, Judge of the Ninth Judicial District, is hereby authorized to pass in Davao upon the motion for dismissal filed in criminal case No. 2894 of the Court of First Instance of Cotabato.

EMILIO ABELLO
Undersecretary of Justice

JUDGE FAJARDO TO SULU*June 10, 1941*

ADMINISTRATIVE ORDER }
No. 123 }

In the interest of the administration of justice, the Honorable Pio Fajardo, Judge-at-large, is hereby authorized to hold court in the Province of Sulu, beginning June 20, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

This cancels Administrative Order No. 103, current series.

EMILIO ABELLO
Undersecretary of Justice

AMENDMENT OF ORDER*June 12, 1941*

ADMINISTRATIVE ORDER }
No. 124 }

Administrative Order No. 122, current series, is hereby amended so as to read as follows:

"In the interest of the administration of Justice, the Honorable Salvador Abad Santos, Judge of the Ninth Judicial District, is hereby authorized to pass upon in Davao the motions for dismissal filed in criminal cases Nos. 2894, 2896 and 2897 of the Court of First Instance of Cotabato."

EMILIO ABELLO
Undersecretary of Justice

TO DECIDE PREVIOUS CASES*June 14, 1941*

ADMINISTRATIVE ORDER }
No. 125 }

In the interest of the administration of justice and pursuant to his request, the Honorable Froilan Bayona, Judge of the Ninth Judicial District, is hereby authorized to decide in the municipality of Dagami, Province of Leyte, the following cases which were tried by him while holding court in the Provinces of Leyte and Oriental Misamis:

PROVINCE OF LEYTE

Tacloban group.—Criminal cases Nos. 12916; 12928 and 12836.

Dagami group.—Criminal cases Nos. 12908, 12905; 12797; 12778; 12633; and 12899.

Maasin group.—Criminal case No. 5317 and Special Proceeding No. 2156.

PROVINCE OF ORIENTAL MISAMIS

Civil cases Nos. 4756 and 4794.

Criminal case No. 3131; and People *vs.* Candido Llegis, et al., for estafa through falsification of public documents.

EMILIO ABELLO

Undersecretary of Justice

DECISIONS ON CADASTRAL LOTS

June 18, 1941

ADMINISTRATIVE ORDER }
No. 126 }

In the interest of the administration of justice, and pursuant to his request, the Honorable Sotero Rodas, Judge of the Seventh Judicial District, is hereby authorized to decide in Bacolod, Occidental Negros the cadastral lots which were tried by him in Cabanatuan, Nueva Ecija, during the Court vacation period of this year.

EMILIO ABELLO

Undersecretary of Justice

JUDGE DAVID TO MANILA

June 25, 1941

ADMINISTRATIVE ORDER }
No. 127 }

In the interest of the administration of justice, the Honorable Jose Gutierrez David, Judge of the Fifth Judicial District, is hereby authorized to hold court at Manila (Fourth Judicial District), beginning July 1, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

JOSE ABAD SANTOS

Secretary of Justice

TO ACT AS REGISTER OF DEEDS

June 27, 1941

ADMINISTRATIVE ORDER }
No. 128 }

Pursuant to the provisions of section 201 (d) of the Administrative Code, as amended by Act No. 3156, and upon the recommendation of the Chief, General Land Registration Office, Mr. Bernardo R. Domondon, senior clerk in

the office of the register of deeds of Albay, is hereby designated to act as register of deeds thereof, effective June 9, 1941, and to continue only during the absence on leave of Mr. Mauro S. Valenciano, the regular incumbent.

EMILIO ABELLO

Undersecretary of Justice

JUDGE BARRERA TO BATANGAS

June 2, 1941

ADMINISTRATIVE ORDER }
No. 129 }

In the interest of the administration of justice, the Honorable Jesus Barrera, Judge of the Seventh Judicial District, is hereby authorized to hold court in the Province of Batangas, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO

Undersecretary of Justice

TO TRY CASES IN MANILA

June 2, 1941

ADMINISTRATIVE ORDER }
No. 130 }

In the interest of the administration of justice, the Honorable Jose R. Carlos, Judge of the Third Judicial District, is hereby authorized to hold court at Manila, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO

Undersecretary of Justice

JUDGE LOCSIN TO MANILA

June 2, 1941

ADMINISTRATIVE ORDER }
No. 131 }

In the interest of the administration of justice, the Honorable Arsenio Locsin, Judge of the Third Judicial District, is hereby authorized to hold court at Manila, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO

Undersecretary of Justice

JUDGE DIZON TO LAGUNA*June 2, 1941*

ADMINISTRATIVE ORDER }
No. 132 }

In the interest of the administration of justice, the Honorable Arsenio P. Dizon, Judge of the Seventh Judicial District, is hereby authorized to hold court in the Province of Laguna, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE LABRADOR TO RIZAL*June 2, 1941*

ADMINISTRATIVE ORDER }
No. 133 }

In the interest of the administration of justice, the Honorable Alejo Labrador, Judge of the Fifth Judicial District, is hereby authorized to hold court in the Province of Rizal, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE BAUTISTA TO ABRA*July 1, 1941*

ADMINISTRATIVE ORDER }
No. 134 }

In the interest of the administration of justice, the Honorable Jose S. Bautista, Judge of the First Judicial District, is hereby authorized to hold court in the Province of Abra, beginning July 1, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE DIAZ TO RIZAL*July 2, 1941*

ADMINISTRATIVE ORDER }
No. 135 }

In the interest of the administration of justice, the Honorable Pompeyo Diaz, Judge-at-large, is hereby author-

ized to hold court in the Province of Rizal, beginning July 3, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

DEPARTMENT OF LABOR

GENERAL SAFETY RULES

RULE 1

GENERAL PROVISIONS

SECTION 1. Under section 6 of Act No. 104, it is the duty of the manager, superintendent or other officer directly concerned to see to it that provisions contained in these rules addressed to the laborers and employees are properly carried out or complied with. Violation of these rules by the employees and laborers will not affect adversely their rights under existing laws.

SEC. 2. The employer shall take every reasonable precaution necessary to insure the safety of the employee while on duty and shall provide all necessary facilities for safe, sanitary and healthful working conditions, whether or not provided for in these rules. He shall also provide for the hospitalization and medical facilities required by law, and for the transportation of injured employees to the hospital, and shall maintain first aid stations equipped with suitable first aid kits at appropriate central points in the works.

SEC. 3. The employee shall coöperate in the promotion of safety and sanitation by faithfully observing all rules and notices pertaining thereto, by promptly reporting all accidents of whatever nature and description, and all unsafe and insanitary conditions, by assisting his fellow workmen in the avoidance of accidents and warning them of dangerous conditions, and by reporting for duty well-rested, sober and in such condition as to enable him to use all ordinary precautions to avoid accidents. He shall also submit to such physical examination as the employer may demand prior to and during employment, and to vaccination or any other treatment recommended by the Company's physicians to prevent epidemics.

SEC. 4. All injuries, however slight, shall be promptly reported to those in charge of the work who will assist the injured and see that he receives medical assistance without delay. Instructions given by medical attendants shall be followed implicitly. If the injured is unable to report, his fellow workmen shall call the nearest first aid expert who shall decide whether the injured may be moved or not.

SEC. 5. No person shall enter areas known to be dangerous or pass danger signals without the proper authority. Such signals are placed for the workmen's protection and must be respected.

SEC. 6. No nuisance shall be committed anywhere in the works. Use the latrines or other conveniences provided. Garbage, kitchen water, and other wastes must be deposited in the proper receptacles. The drying of fish and meat and any other practices which attract flies are prohibited.

RULE 2

GEARS

SECTION 1. All gears, where exposed, must be entirely enclosed or equipped with side flanges or guards covering the point of contact of the gears.

SEC. 2. All spoke gears and open web gears which are over eighteen (18) inches in diameter, where exposed, must be entirely enclosed. On large gears, such as those on heavy shears and punches, the guard must be such as to cover them to a height of seven (7) feet above the floor.

SEC. 3. Where it is clearly impracticable to cover gears as described above, a boxed frame of metal or wood must be installed, completely shutting off the machinery gears.

SEC. 4. All gear guards must be kept in place while the machinery is in operation.

RULE 3

BELTS

SECTION 1. All belts, ropes or chains driving machinery or shafting, and all secondary belts, ropes or chains, where exposed, must be guarded. In all cases, the point where the belt, rope or chain runs unto the pulley, sheave or sprocket, if within seven (7) feet of the floor or platform, must be guarded.

Exception.—Belts which are so small or so slow-moving that they are not in any way a source of danger.

SEC. 2. All horizontal belts, ropes or chains driving machinery or shafting, seven (7) feet or less above the floor or platform, where exposed, must be guarded. All overhead belts six (6) inches or more in width and over seven (7) feet from the floor or platform, must be guarded underneath and on sides, or otherwise so guarded that persons cannot pass under them. All chain or rope drives over seven (7) feet from floor or platform must be guarded in like manner as the belts over six (6) inches in width. In all cases, the guard should cover the outer faces of the two pulleys or sheaves and extend upward to such a point, and be attached in such a way, that in case the belt, chain or rope breaks, the guard will withstand the whipping force.

SEC. 3. Vertical and inclined belts must be substantially guarded as follows:

(a) If the guard has to be less than fifteen (15) inches from the belt, with a complete enclosure of wood or metal to a height of six (6) feet above the floor.

(b) If the guard can be placed with at least fifteen (15) inches clearance from the belt, with a two-rail railing at least three and one-half (3½) feet high.

RULE 4

PULLEYS

SECTION 1. Pulleys must be so placed as to allow the width of the belt between two pulleys or between the pulley and the shaft hanger or bearing, or a hood must be provided or a guard placed adjacent to the pulley to prevent the belt from leaving the pulley.

SEC. 2. All machines must be equipped with a loose pulley or a clutch or some other adequate means of stopping the machine quickly.

SEC. 3. All pulleys or parts of pulleys within seven (7) feet of the floor, if exposed, must be guarded.

RULE 5

CLUTCHES

SECTION 1. All clutches, where exposed, must be completely guarded.

RULE 6

BELT SHIFTERS

SECTION 1. A permanent belt shifter must be provided for all loose pulleys, and must be located within easy reach of the operator. The construction of belt shifters must be such as to make it impossible for the belt to creep back on to the tight pulley. All belt shifters must be equipped with a lock or some other device to prevent accidental shifting.

RULE 7

SHAFTING

SECTION 1. All transmission shafting, either horizontal or vertical in workrooms or in passageways leading to workrooms, and located within seven (7) feet of the floor or platform, must be covered by suitable guard.

SEC. 2. Collars and dead ends of shafts less than seven (7) feet from the floor or platform, or wherever exposed, must be covered by suitable guard.

RULE 8

SET SCREWS

SECTION 1. All projecting set screws on moving parts, located within seven (7) feet from the floor or platform or staging, must be removed, countersunk or protected by a solid collar, or a headless set screw must be used. No part of the set screw must project above the surface.

RULE 9

SPROCKETS

SECTION 1. All exposed sprockets, if located within seven (7) feet from the floor or platform or staging, must be guarded.

RULE 10

FLYWHEELS OF MACHINES

SECTION 1. All parts of flywheels with spokes which are seven (7) feet or less above the floor, must be guarded as follows:

(a) If guard is at least fifteen (15) inches in the clear from both sides and face of wheel, a fence must be used at least three and one-half ($3\frac{1}{2}$) feet high, to be either solid or of substantially supported wire mesh or close slots or pipe fence.

(b) If guard is less than fifteen (15) inches in the clear from both sides and face of wheel, a fence must be provided at least five (5) feet high, the fencing to be either solid or substantially supported wire mesh or close slots.

Exception.—Flywheels which are so small, or so slow-moving that they are not in any way a source of danger.

RULE 11

GRINDING WHEELS

SECTION 1. Where practicable, grinding wheels must be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard must be adjusted close to the wheel

and extend forward over the top of the wheel to a point at least thirty (30) degrees beyond a vertical line drawn through the center of the wheel.

SEC. 2. Arbor ends must be guarded.

SEC. 3. Speed of wheels must not exceed the speed recommended by the manufacturer.

SEC. 4. Where practicable grinding wheels must be provided with safety flanges.

Table of grinding wheel speeds

Diameter of wheel in inches	RPM for peripheral speed of 4,000 feet per minute	RPM for peripheral speed of 5,000 feet per minute	RPM for peripheral speed of 6,000 feet per minute
1	15,279	19,099	22,918
2	7,639	9,549	11,459
3	5,093	6,366	7,639
4	3,820	4,775	5,730
5	3,056	3,820	4,584
6	2,546	3,185	3,820
7	2,183	2,728	3,274
8	1,910	2,387	2,865
10	1,528	1,910	2,292
12	1,273	1,592	1,910
14	1,091	1,364	1,637
16	955	1,194	1,432
18	849	1,061	1,273
20	764	955	1,146
22	694	868	1,042
24	637	796	955
26	586	733	879
28	546	683	819
30	509	637	764
32	477	596	716
34	449	561	674
36	424	531	637

The number of revolutions per minute (RPM) at which wheels are run is dependent on conditions, and in actual practice wheels are run at peripheral speeds of from 4,000 to 6,000 feet per minute up to as high as 7,500. It is recommended that for most grinding operations, peripheral speeds should not exceed 6,000 feet per minute. As a wheel wears down, the speed is increased to maintain the same peripheral speed, and great care must be exercised when a new wheel is provided to avoid overspeeding.

RULE 12

LADDERS

SECTION 1. All movable ladders (except substantial step-ladders) must be provided with either sharp points at the foot or with wide, rough surface feet, or other effective means to prevent slipping. Ladders for use in oiling overhead shafting, where necessary to rest same on the shafting, must be arranged to hook over the shafting. All step-ladders must be secured by chains to prevent spreading.

RULE 13

STAIRWAYS

SECTION 1. All stairways must be strongly constructed and must be equipped with treads at least eight (8) inches wide and not over ten (10) inches high, and with handrails the tops of which shall be between thirty (30) inches and forty (40) inches vertically from the nose of the tread, as follows:

(a) Where the stairway is not built next to a wall or partition, rails must be placed on both sides.

(b) If stairway is closed on both sides, two handrails must also be provided and there shall be space of at least three (3) inches between handrail and wall.

(c) If width is eight (8) feet or greater, rails must be provided on *each* side and in center of stairway, except in cases where, in the judgment of the Secretary of Labor, a center railing would be impracticable.

(d) All stairways must be properly lighted either by natural or artificial light, and in the latter case, shall always be provided with light suitably placed at the bottom of stairs.

RULE 14

PLATFORMS AND RUNWAYS

SECTION 1. All elevated walks, runways or platforms, except on loading or unloading sides of platforms, if four (4) feet or more from the floor level, must be provided with a two-rail railing of not less than three and one-half ($3\frac{1}{2}$) feet high. If height exceeds six (6) feet above the floor level, a toe-board must be provided to prevent material from rolling or falling off.

SECTION 2. Wherever permanent elevated platforms are in frequent use, they must be equipped with a permanent stairway or stationary ladder.

RULE 15

SWINGING DOORS—WINDOWS

SECTION 1. All swinging doors in stairways and all doors swinging both ways in general passageways must be provided with windows. One window must be provided for each section of double swinging doors. Both sides of the doors must be provided with adequate light, either natural or artificial, during the hours of active operation in the department in which said swinging doors are located. The windows must be kept free from dirt or other obstruction to the vision.

RULE 16

PASSAGEWAYS AND GANGWAYS

SECTION 1. All passageways and gangways must be kept clear and in good repair and free from nails or obstruction over which persons may stumble and fall.

RULE 17

KEYS AND KEYSEATS

SECTION 1. All projecting keys in shafting, where exposed, must be cut off or guarded, and all keyseats in ends of shafts, where exposed, must be filled flush or guarded.

Exception.—When in the opinion of the Secretary of Labor it is impossible to fill or guard the keyseats of machines without interfering with the operation of the machine.

RULE 18

FLOOR OPENINGS

SECTION 1. All floor openings must be guarded with a railing not less than three and one-half ($3\frac{1}{2}$) feet high, having a toe-board not less than six (6) inches high and an additional railing midway between the toe-board and top rail, all said railings to be constructed in a safe and substantial manner, of either pipe, metal work or wood. One or more sides may be on hinges, or, if hinges are impracticable, sockets may be used. When necessary to remove such railings, they shall be replaced as soon as possible.

SEC. 2. All chutes or stairway openings which cannot be guarded as required in section 1 hereof must be provided with a hinged cover which, when open, must be guarded in a safe and substantial manner and which must be closed when not in use.

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HOISTWAYS

SECTION 1. Any platform outside of a building, or any opening giving access to a yard arm, used for the purpose of hoisting or lowering material by tackle or other means from one level to another (not including platform elevator), must be guarded according to standards for floor openings, except in the case of swinging derricks or similar equipment.

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Exception.—Conveyors which are so small or so slow-moving that they are not in any way a source of danger.

BUREAU OF CUSTOMS**FILING, APPROVAL AND CANCELLATION OF
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4. Bond to re-export cylinders and containers (M-54-a).
5. Bond for personal and theatrical effects (M-54-a).
6. Bond for repairs (M-54-a).
7. Bond for commercial samples (M-54-a).
8. Export Bond (B. C. Form No. 221).
9. Bond to produce consular invoice (B. C. Form No. 100).
10. Bond to produce corrected consular invoice (B. C. Form No. 100).
11. Warehousing Bond (M-610-a).
12. Bond to pay berthing fees (M-337-b).
13. Bond for the release of seized property pending seizure proceedings.
14. Bond to pay wharfage dues (M-186-a).
15. Bond to pay tonnage dues (M-337-a).

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1. General Documentary Bond (M-130-Revised).
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Exception.—Conveyors which are so small or so slow-moving that they are not in any way a source of danger.

BUREAU OF CUSTOMS

FILING, APPROVAL AND CANCELLATION OF CUSTOMS BONDS

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6. Bond for repairs (M-54-a).
7. Bond for commercial samples (M-54-a).
8. Export Bond (B. C. Form No. 221).
9. Bond to produce consular invoice (B. C. Form No. 100).
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11. Warehousing Bond (M-610-a).
12. Bond to pay berthing fees (M-337-b).
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10. Export Bond (224-a).
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FLOOR OPENINGS

SECTION 1. All floor openings must be guarded with a railing not less than three and one-half ($3\frac{1}{2}$) feet high, having a toe-board not less than six (6) inches high and an additional railing midway between the toe-board and top rail, all said railings to be constructed in a safe and substantial manner, of either pipe, metal work or wood. One or more sides may be on hinges, or, if hinges are impracticable, sockets may be used. When necessary to remove such railings, they shall be replaced as soon as possible.

SEC. 2. All chutes or stairway openings which cannot be guarded as required in section 1 hereof must be provided with a hinged cover which, when open, must be guarded in a safe and substantial manner and which must be closed when not in use.

RULE 19

HOISTWAYS

SECTION 1. Any platform outside of a building, or any opening giving access to a yard arm, used for the purpose of hoisting or lowering material by tackle or other means from one level to another (not including platform elevator), must be guarded according to standards for floor openings, except in the case of swinging derricks or similar equipment.

RULE 20

CONVEYORS

SECTION 1. All conveyors, where exposed, shall be guarded. If a conveyor runs in a trough within three (3) feet above floor level, or just below floor level, it shall be either completely covered with a substantial lid, or enclosed by a railing, and necessary crossings shall be provided and guarded.

Exception.—Conveyors which are so small or so slow-moving that they are not in any way a source of danger.

BUREAU OF CUSTOMS**FILING, APPROVAL AND CANCELLATION OF
CUSTOMS BONDS**

CUSTOMS ADMINISTRATIVE ORDER No. 389

PARAGRAPH 1. By authority of section 551 and in pursuance of section 1139 of the Revised Administrative Code, the following regulations for the filing, approval and cancellation of customs bonds in all ports of entry in the Philippines are hereby promulgated.

CLASSES OF BONDS

PAR. II. All bonds required to be given in connection with the transaction of business with the Bureau of Cus-

toms will be known as "Customs Bonds" divided into four classes, namely: "Ordinary", "General", "Chargeable", and "Cash" bonds.

FORM AND EXECUTION

PAR. III. The Ordinary Bonds are the following:

1. Bond for Customs Broker (M-52).
2. Bond to produce sworn certificate of origin (B. C. Form 475).
3. Bond to produce bill of lading (B. C. Form No. 53-b-1).
4. Bond to re-export cylinders and containers (M-54-a).
5. Bond for personal and theatrical effects (M-54-a).
6. Bond for repairs (M-54-a).
7. Bond for commercial samples (M-54-a).
8. Export Bond (B. C. Form No. 221).
9. Bond to produce consular invoice (B. C. Form No. 100).
10. Bond to produce corrected consular invoice (B. C. Form No. 100).
11. Warehousing Bond (M-610-a).
12. Bond to pay berthing fees (M-337-b).
13. Bond for the release of seized property pending seizure proceedings.
14. Bond to pay wharfage dues (M-186-a).
15. Bond to pay tonnage dues (M-337-a).

PAR. IV. The General Bonds are the following:

1. General Documentary Bond (M-130-Revised).
2. General Importer's Bond (M-466-e [Manila]).
3. General Shipside Bond (M-156-2 [Rev.] -a).
4. General Parcel Bond (M-130-a).
5. General Warehousing Bond (M-234-a [Rev.]).
6. General Common Carrier's Bond (M-249-a).
7. General Bond for Bonded Warehouse (M-239-a [special]).
8. General Export Bond (M-232-a).

PAR. V. The Chargeable Bonds are the following:

1. Consular Invoice Bond (M-223-a).
2. Corrected Consular Invoice Bond (M-223-a).
3. Sworn Certificate of Origin Bond (M-223-a).
4. Bill of Lading Bond (M-223-a).
5. Bond to produce proof of landing (M-223-a).
6. Bond to produce meat certificate (M-223-a).
7. Bond to produce certificate of pedigree (M-223-a).
8. Bond to produce Manufacturer's, Miner's, Miller's, Grower's, and Producer's Certificate (M-223-a).
9. Bond to produce invoice of returned American or Philippine Goods (M-223-a).
10. Export Bond (224-a).
11. Parcel Bond (M-224-a).
12. Bond to store in the Internal Revenue Bonded Warehouse (M-230-a).
13. Shipside Bond (M-240-a).
14. Common Carrier's Bond (M-238).

PAR. VI. In lieu of any of the bonds above-enumerated, the Insular Deputy Collector of Customs or a Collector of Customs is authorized to accept cash deposits in an amount equal to the penalty of the required surety bond to be de-

posited with the Customs Cashier, if in Manila, and with Collector of Customs, if in other ports of entry: *Provided*, That the Insular Deputy Collector of Customs or Collector of Customs, as the case may be, may accept any other bond not enumerated above which may be required by customs regulations and/or in connection with customs transactions and may likewise accept official recognizances, stipulations or undertakings from certain governmental subdivisions or entities, for such period of time as is deemed necessary and under such conditions and amount as he may think proper to guarantee the revenue of the Government: *Provided, further*, That a single ordinary or chargeable bond to secure the production of a thru bill of lading and a sworn certificate of origin may be consolidated into one in double the estimated duty of the merchandise covered thereby.

PAR. VII. All general bonds filed in ports of entry other than Manila are subject to the approval of the respective Collectors of Customs. All general bonds filed in Manila shall be approved by the Insular Collector of Customs and/or Insular Deputy Collector of Customs to run for a period of one calendar year without further extension: *Provided*, That warehousing bonds are good for a period of two (2) years from the time of arrival of the goods which period may be further extended for a period of not more than one (1) year by the Insular Collector of Customs whenever sufficient reasons for such extension are presented to him by the importer. But if the bond has been filed for a shorter period than two (2) years, whether in Manila or in other ports of entry, renewal thereof may be authorized by the Insular Deputy Collector of Customs or Collector of Customs, provided the combined period does not exceed two (2) years from the date of arrival of the carrying vessel. No renewal thereof should be allowed after the expiration of the two-year period, unless approved by the Insular Collector of Customs.

PRINCIPALS

PAR. VIII. *Partnerships as principals*.—(a) A customs bond executed by any member of a partnership as provided by law shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same.

(b) Partnership bonds must be executed in the firm name, with the name of the member or attorney-in-fact of the firm.

(c) The insertion of the individual names of partners may be omitted when written notice of the full names of the partners embraced in such partnership shall have been previously filed with the Collector.

PAR. IX. *Corporations as principals.*—(a) When a corporation is the principal, its legal designation and address of its principal place of business must be inserted in the body of the bond, which bond must be signed by an officer or attorney-in-fact of such corporation, and the corporate seal must be affixed to the bond immediately adjoining the signature of the person executing the same. The official character and authority of the person or persons executing the bond for the principal shall be fully established by the presentation of the articles of incorporation of the firm. In lieu of such articles of incorporation, however, there may be attached to the bond such recommendation of the corporation as will show the character and authority of the official signing, the evidence consisting of:

- (1) A certificate from the Security and Exchange Commissioner showing the legal existence of the corporation;
- (2) A copy of the by-laws or so much thereof as authorizes the execution of such bonds, if any, certified by the Secretary of the corporation and verified by its corporate seal;
- (3) A copy of the document authorizing such officer to sign such bonds, certified by the secretary of the corporation under the corporate seal, or a power of attorney containing such authority;

(b) All the above-mentioned documents must be filed with the Insular Deputy Collector of Customs or Collector of Customs, as the case may be. The Insular Deputy Collector of Customs or Collector of Customs may, however, waive the production of the evidence of incorporation when such fact is a matter of common knowledge and he will so certify; and

(c) The name of a corporation executing customs bonds may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney-in-fact of the corporation.

SURETIES

PAR. X. Only sureties duly authorized to transact as such upon official recognizances, stipulations and undertakings by the Insurance Commissioner could file customs bonds. Individual sureties may, however, be accepted by Collectors

posited with the Customs Cashier, if in Manila, and with Collector of Customs, if in other ports of entry: *Provided*, That the Insular Deputy Collector of Customs or Collector of Customs, as the case may be, may accept any other bond not enumerated above which may be required by customs regulations and/or in connection with customs transactions and may likewise accept official recognizances, stipulations or undertakings from certain governmental subdivisions or entities, for such period of time as is deemed necessary and under such conditions and amount as he may think proper to guarantee the revenue of the Government: *Provided, further*, That a single ordinary or chargeable bond to secure the production of a thru bill of lading and a sworn certificate of origin may be consolidated into one in double the estimated duty of the merchandise covered thereby.

PAR. VII. All general bonds filed in ports of entry other than Manila are subject to the approval of the respective Collectors of Customs. All general bonds filed in Manila shall be approved by the Insular Collector of Customs and/or Insular Deputy Collector of Customs to run for a period of one calendar year without further extension: *Provided*, That warehousing bonds are good for a period of two (2) years from the time of arrival of the goods which period may be further extended for a period of not more than one (1) year by the Insular Collector of Customs whenever sufficient reasons for such extension are presented to him by the importer. But if the bond has been filed for a shorter period than two (2) years, whether in Manila or in other ports of entry, renewal thereof may be authorized by the Insular Deputy Collector of Customs or Collector of Customs, provided the combined period does not exceed two (2) years from the date of arrival of the carrying vessel. No renewal thereof should be allowed after the expiration of the two-year period, unless approved by the Insular Collector of Customs.

PRINCIPALS

PAR. VIII. *Partnerships as principals.*—(a) A customs bond executed by any member of a partnership as provided by law shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same.

(b) Partnership bonds must be executed in the firm name, with the name of the member or attorney-in-fact of the firm.

(c) The insertion of the individual names of partners may be omitted when written notice of the full names of the partners embraced in such partnership shall have been previously filed with the Collector.

PAR. IX. *Corporations as principals.*—(a) When a corporation is the principal, its legal designation and address of its principal place of business must be inserted in the body of the bond, which bond must be signed by an officer or attorney-in-fact of such corporation, and the corporate seal must be affixed to the bond immediately adjoining the signature of the person executing the same. The official character and authority of the person or persons executing the bond for the principal shall be fully established by the presentation of the articles of incorporation of the firm. In lieu of such articles of incorporation, however, there may be attached to the bond such recommendation of the corporation as will show the character and authority of the official signing, the evidence consisting of:

- (1) A certificate from the Security and Exchange Commissioner showing the legal existence of the corporation;
- (2) A copy of the by-laws or so much thereof as authorizes the execution of such bonds, if any, certified by the Secretary of the corporation and verified by its corporate seal;
- (3) A copy of the document authorizing such officer to sign such bonds, certified by the secretary of the corporation under the corporate seal, or a power of attorney containing such authority;

(b) All the above-mentioned documents must be filed with the Insular Deputy Collector of Customs or Collector of Customs, as the case may be. The Insular Deputy Collector of Customs or Collector of Customs may, however, waive the production of the evidence of incorporation when such fact is a matter of common knowledge and he will so certify; and

(c) The name of a corporation executing customs bonds may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney-in-fact of the corporation.

SURETIES

PAR. X. Only sureties duly authorized to transact as such upon official recognizances, stipulations and undertakings by the Insurance Commissioner could file customs bonds. Individual sureties may, however, be accepted by Collectors

of Customs at ports of entry other than Manila where there are no surety companies doing business, subject to the conditions provided by the next succeeding paragraph. Before the beginning of the year, the Bureau of Customs will publish a list of duly authorized sureties.

PAR. XI. Individual Sureties.—(a) If individuals sign as sureties, there must be not less than two except that one surety may be accepted if the Collector is satisfied that such surety is sufficient for the protection of the Government. Every surety on a customs bond must be both a resident and citizen of the Philippines or citizen of the United States residing in the Philippines, and before being accepted as surety must take oath on B. C. Form No. M-19-a (Revised) setting forth the amount of his worth, over and above all his debts and liabilities, and such exemptions as may be allowed by law, the general description and the location of one or more pieces of real estate owned by him within the limits of the customs district, and the value thereof over and above all encumbrances, and shall produce such evidence of solvency and financial responsibility as the Collector may require.

(b) Each individual surety must have unencumbered property liable to execution, the current market value of which shall be equal to the penalty of any bond executed by him. If a single surety is accepted, he shall qualify in an amount equal to twice the penalty of the bond. The property should be located within the limits of the customs district in which the contract of suretyship is to be performed.

(c) An individual surety shall not be accepted on a bond until he has satisfied the Collector as to his financial responsibility. The Collector may refer the matter to a Customs officer or agent, as the case may be, for immediate investigation to verify the financial responsibility of the surety. When an individual surety has previously been investigated, further verification need not be made oftener than once every 6 months, unless the Collector believes a further investigation is necessary in order to follow the continued solvency of such surety.

(d) In order to follow the continued solvency or the sufficiency of individual sureties, Collectors must require a new oath and determine the sufficiency of such sureties as prescribed in subparagraphs (a) and (c) of this paragraph at least once every 6 months, or oftener if they deem it advisable.

(e) Individuals may execute powers of attorney to sign as surety on customs bonds. If limited to bonds of one or several importers, they must be named in the power.

Such power must have attached thereto a justification of the donor in a specified amount.

SEAL

PAR. XII. All general and ordinary customs bonds must bear the seal of the surety as well as that of the principal, if of corporate ownership, whenever the franchise or articles of incorporation requires its acts to be evidenced by its corporate seal.

GENERAL INSTRUCTIONS COMMON TO ALL BONDS

PAR. XIII. The names of the principals and sureties and their respective places of residence must appear in full in the body of the bond. All signatures, except those of officers of corporations, must be made in the presence of two persons, who must sign their names as witnesses, followed by their addresses. If the bond is executed by an authorized officer of a corporation, the officer's signature must be properly attested under the corporate seal.

PAR. XIV. When two persons signing as witnesses act for both principal and surety, they must so indicate by stating "as to both", or a similar term.

PAR. XV. The bond must bear date as of the day it was actually executed. The termination date must be the last day of the period and not the first day of a succeeding period. To illustrate: January 1, 1940 to December 31, 1940, and not January 1, 1940 to January 1, 1941.

PAR. XVI. Bonds in which erasures, interlineations, and alterations occur must have placed upon them the statement by an agent of the surety company, or of the personal sureties thereto, that such alterations or erasures were made prior to the signing of the bond; or if such alterations or erasures were made after the bond was signed, the consent of all the parties thereto must be written in the bond.

PAR. XVII. In no case will a general bond, after having been approved, be changed in condition or extended by stipulation or otherwise, and when such changes or extensions are desired, a new bond must be executed.

PAR. XVIII. All customs bonds must be filed in duplicate with ₱1 customs and ₱0.50 documentary stamps affixed thereto in conformity with Section 1414-(t) of the Revised Administrative Code and Section 224 of the National Internal Revenue Code. When approved, the same must be numbered serially and filed in separate books in consecutive order.

PAR. XIX. All chargeable bonds must bear the entry number and must contain the number of packages, boxes

or cases, the marks and the full description of the merchandise for which they are filed or reference made thereto at the back sufficient to identify the merchandise covered thereby.

PAR. XX. The penalty named in any customs bond approved by the Insular Collector of Customs shall not be less than ₱100 except when the law or regulation expressly provides that a lesser amount may be accepted. Fractional part of a peso should be disregarded in computing the penal sum which will always be stated in the next higher amount in round figures. The penalty must be stated both in words and figures. Abbreviations must not be used except in dates, in description of merchandise and the marks and numbers on packages. Lines must be drawn through all statements not filled in.

PAR. XXI. (a) All customs officers charged with the duty of acting as custodians of customs bonds are required to render periodical statements for all amounts due, or for action necessary to adjust transactions, under any ordinary or general bond, keeping for that purpose indices and list of all bonds on file for ready references.

(b) At the end of each calendar year the customs officers in charge of bonds in ports of entry other than Manila or the bond clerk in Manila must prepare a list of subsisting or uncanceled bonds for submission to the Insular Collector of Customs accompanied by such remarks or information as are necessary to explain the status of each and every such bond.

(c) At the beginning of the year the bond clerk or customs officer in charge of bonds, as the case may be, shall prepare a list of bonds filed for each calendar year, a copy of which shall be forwarded to the Manila Customhouse for file. In Manila, the bond clerk shall furnish the Appraisers, Cash, and Marine Divisions as well as the Office of the Customs Auditor with a copy of such list of bonds.

PAR. XXII. Ordinary or chargeable bond to secure the production of a corrected consular invoice may be accepted before final liquidation of the entry for which it is filed provided the error sought to be corrected is manifest on the face of the invoice, otherwise, it should be rejected.

PAR. XXIII. The amount for each ordinary bond shall be:

1. Customs Broker's bond—not less than ₱3,000.
2. Tonnage Dues bond—not less than ₱1,000.
3. Wharfage Dues bond—not less than ₱500.
4. Berthing Fees bond—not less than ₱500.
5. For ordinary bonds to produce consular, certified or corrected consular invoices, the amount shall not be less than 10 per cent of

the estimated duties of the merchandise covered thereby if the same pays ad valorem rate of duty but in no case less than ₱100; if it pays specific rate of duty, the amount shall be ₱100: *Provided*, That if the value of the importation is less than ₱200 no such bond should be required.

6. For all other ordinary documentary bonds, it shall be equal to double the amount of the estimated duty that would accrue upon a like importation of foreign merchandise.

PAR. XXIV. The amount for each general bond shall be the following:

1. General Common Carrier's Bond—not less than ₱10,000.
2. General Bond for Bonded Warehouse—not less than ₱10,000.
3. General Importer's Bond—not less than ₱3,000.
4. General Ship's Side Bond—not less than ₱3,000.
5. General Documentary Bond—not less than ₱1,000.
6. General Warehousing Bond—not less than ₱1,000.
7. General Parcel Bond—not less than ₱1,000.
8. General Export Bond—not less than ₱1,000.

Provided, That the Insular Deputy Collector of Customs or Collector of Customs, as the case may be, may accept a lesser amount, except in the case of General Common Carrier's bond, if and when the volume of business of the principal as well as their general reputation warrant such acceptance.

PAR. XXV. The amount of chargeable bonds shall be as follows:

1. For bonds to guarantee the production of consular. certified and corrected consular invoices and invoices of returned Philippine goods, the amount shall be not less than ten per centum of the estimated duty upon the importation if dutiable ad valorem but not less than ₱100 in each case; in other cases not less than ₱100 each: *Provided*, That in case of an importation of a dutiable value of less than ₱200 no bond should be required.

2. For all other chargeable bonds, the amount shall not be less than twice the estimated duty of the merchandise: *Provided*, That in the case of bonds for the production of meat certificates, the amount shall be equivalent to the c. i. f. value of the article plus the estimated duty.

PERIOD

PAR. XXVI. All general bonds with the exception of general importer's bond and general shipside bonds are good for a period of one (1) year to expire on December 31 of each year: *Provided*, That if a general bond is filed in any month after January 1 of each year it shall only be good until the 31st day of December of that year. A Customs broker's bond is also good for only one year in accordance with the foregoing rule. The general importer's and general shipside bonds are filed semiannually expiring on June 30 and December 31 of each year.

PAR. XXVII. Ordinary and chargeable documentary bonds such as those for the production of consular invoices, sworn certificates of origin, bills of lading, landing certificates, certified invoices, invoices of returned American or Philippine goods, certificates of denatured alcohol, certificates of pedigree, and notarial manufacturer's, miner's, miller's, grower's and producer's certificates, expire after four (4) months.

PAR. XXVIII. Bonds filed in connection with the re-exportation of commercial samples, and repairs of vessels are good for a period of six (6) months without extension, while those for the re-exportation of personal and theatrical effects expire after four (4) months with the right to further extension of three (3) months after which no other extensions are allowable; bonds for the re-exportation of cylinders and other containers are good for 12 months without extension.

EFFECTIVITY

PAR. XXIX. No ordinary or general bond filed either in Manila or in other ports of entry shall become effective until approved by the Insular Deputy Collector of Customs or Collector of Customs, as the case may be: *Provided*, That an ordinary warehousing bond once approved becomes effective on the date of the arrival of the carrying vessel. Chargeable bonds become effective, if approved, from the date of entry of the merchandise covered thereby: *Provided*, That a chargeable warehousing bond shall become effective on the date of the arrival of the carrying vessel.

EXTENSION

PAR. XXX. General bonds are not extendable after the expiration of their period. All obligations contracted thereon shall be considered subsisting and valid until the conditions therein set forth have been fully complied with in which case the same shall be considered as automatically cancelled. Chargeable bonds may, however, be extended for another period of four (4) months if and when there is cogent reason satisfactory to the Insular Deputy Collector of Customs or Collector of Customs justifying its extension, which period may be further extended so long as the extension in any particular case shall not exceed one (1) year unless allowed by the Insular Collector of Customs: *Provided*, That a bond for the production of consular invoice, corrected consular invoice and landing certificate should not be extended if the importation is from countries near the Philippines in which case if the invoice or certificate cannot be filed within four (4) months as above

stated, the likelihood is that the document can never be produced and the case should be treated as a breach of bond.

PAR. XXXI. Bonds for customs brokers, commercial samples, repairs and those filed to guarantee the re-exportation of cylinders and other containers are not extendable. Ordinary documentary bonds for the production of sworn certificates of origin, bills of landing, certified invoice, certificates of pedigree, and meat certificates, may be extended for another period of 4 months with the consent of the surety.

PAR. XXXII. No extension of the period of any bond should be granted if application therefor is not filed on or before the date of its expiration.

PAR. XXXIII. Applications for extension of documentary charged bonds must be accomplished in B. C. Form M-97-b to which must be attached the necessary customs and documentary stamps provided by Paragraph XVIII hereof.

PAR. XXXIV. All applications for extension must be in writing addressed to the Insular Collector of Customs or Collector of Customs, as the case may be, showing to his satisfaction that failure to produce the documents was not due to lack of diligence.

PAR. XXXV. It is not necessary to secure the assent of sureties to an extension of time on bonds the obligation of which provides for the continued liability of any lawful extension thereof.

CANCELLATION

PAR. XXXVI. General bonds are never cancelled but they shall become null and void only when the obligations thereunder stated, have been fully complied with after which they are to be retained and filed for future references. All chargeable documentary bonds may be cancelled when the documents for which the bonds have been posted are submitted and the same are found after a careful verification to correspond to the document called for and fully satisfy the conditions set forth thereon. All other bonds are cancelled upon satisfaction of the stipulated conditions or after payment of the duties due on the merchandise covered thereby and the liquidated damages.

PAR. XXXVII. *Nonproduction of documents.* (a) In cases of nonproduction of documents for which bonds have been filed, no cancellation should be authorized when said bonds call for certificates of origin or through bills of lading covering importations from United States, until

the customs duties have been liquidated and paid, otherwise, the bonds shall be forfeited.

(b) The importer's inability to produce the required documents, other than bills of lading of sworn certificates of origin, shall render the penalty of bonds liable to forfeiture, unless an offer of compromise to pay a fine of not less than ₦10 in each case under Section 1149 of the Revised Administrative Code is made subject to the approval of the Secretary of Finance. *Provided*, That the person making the entry or his broker submits an application under oath for relief from the full penalty of the bond, explaining in detail why the consular or certified invoice cannot be produced, and the Insular Deputy Collector of Customs or Collector of Customs, as the case may be, is satisfied by such application, or otherwise, that the failure to produce the missing invoice is due to causes wholly beyond the control of the person making entry, and is not due to any purpose of foreign consignor, seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

(c) In the latter case, the respective Collectors of Customs should forward to the Insular Collector of Customs the papers thereof accompanied by such statements, as they may care to make, as to whether its acceptance would not prejudice the Government.

(d) In connection with bonds filed for the production of landing certificates, cancellations may only be authorized upon submission of a certificate of landing (B. C. Form No. 31) signed by the consignee or agent in the port of destination and authenticated by the American Consul stationed at the port within the period of the bond: *Provided, however*, That in lieu of the said landing certificate, other proof of landing prepared in accordance with Section 721 of the United States Consular Regulations may be accepted to cancel said bonds.

(e) Late submission of documents for which bonds have been filed should be treated as simple breaches of bond which may be compromised under Section 1149 of the Revised Administrative Code by paying a surcharge as in ordinary cases of breach of bond, subject to the approval of the Secretary of Finance.

(f) The cancellation of a customs bond by mistake or through fraud will not relieve the parties from liability thereunder.

DELINQUENT SURETIES

PAR. XXXVIII. Persons shall not be accepted as sureties on bonds who are in default upon any other bond.

PAR. XXXIX. No person shall be accepted as surety who, at the time of the submission of the bond, is required to make satisfaction upon an unexpired bond or bonds, except in an amount equal to his assets which are not encumbered by any such unexpired bond or bonds.

OFFICIAL FORMS

PAR. XL. All customs bonds should be in the prescribed official forms which may be obtained at a nominal cost in the respective offices of Collectors of Customs and in the Manila Customhouse.

PAR. XLI. The printing of forms shall be exclusively undertaken by the Government: *Provided, however,* That should the Insular Collector of Customs believe that it would be more advantageous to permit their printing by private persons, he may allow such work to be done under his authority and supervision.

PAR. XLII. Customs Administrative Order No. 140 is revoked, while Customs Administrative Order No. 184, as amended by Customs Administrative Order No. 203, is hereby modified.

PAR. XLIII. Philippine Customs officers shall give due publicity to the terms of this customs administrative order which shall take effect January 1, 1941.

ALFREDO DE LEON

Insular Collector of Customs

Approved:

MANUEL ROXAS

Secretary of Finance

CITY OF MANILA

[ORDINANCE No. 2886]

AN ORDINANCE AMENDING SECTION ONE OF ORDINANCE NUMBERED TWO THOUSAND THREE HUNDRED SEVENTY-SIX, AS AMENDED BY ORDINANCES NUMBERED TWO THOUSAND FOUR HUNDRED FORTY-THREE, TWO THOUSAND FIVE HUNDRED SIXTY SEVEN, TWO THOUSAND FIVE HUNDRED SEVENTY-TWO, AND TWO THOUSAND SEVEN HUNDRED FIFTY-ONE, WHICH PROVIDES FOR THE COLLECTION OF TUITION FEES FROM STUDENTS IN THE HIGH SCHOOLS OF THE CITY OF MANILA; AND FOR OTHER PURPOSES.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. Section one of Ordinance Numbered Two thousand three hundred seventy-six, as amended by Ordinances Numbered Two thousand four hundred forty-three, Two thousand five hundred sixty-seven, Two thousand five hundred seventy-two, and Two thousand seven hundred fifty-one, is hereby further amended to read as follows:

"SECTION 1. There shall be collected tuition fees from every student in the high schools of the City of Manila, as follows:

	First year	Second year	Third year	Fourth year
1. At the opening of schools in July	P3.00	P3.00	P3.80	P3.80
2. On or before August 6th	2.50	2.50	3.40	3.40
3. On or before September 6th	2.50	2.50	3.30	3.30
4. October—Opening of second semester	3.00	3.00	3.80	3.80
5. On or before December 6th	2.50	2.50	3.40	3.40
6. On or before January 6th	1.50	1.50	2.30	2.30
Annual tuition fee	15.00	15.00	20.00	20.00

"*Provided, (a)* That a first and second year student enrolling in the second semester shall pay a tuition fee of seven pesos and fifty centavos each payable as follows: Three pesos in October; two pesos and fifty centavos on or before December sixth; and two pesos on or before January sixth; *(b)* that a third year student enrolling in the second semester shall pay a tuition fee of ten pesos, payable as follows: Four pesos in October; three pesos on or before December sixth; and three pesos on or before January sixth; and *(c)* that a fourth year student graduating in October shall pay a tuition fee of ten pesos, payable as follows: Four pesos at the opening of schools in July; three pesos on or before August sixth; and three pesos on or before September sixth.

"*Provided, further,* That if a student fails to pay the installment on his tuition fee on the date above referred to, he is hereby given fifteen days' grace within which to make good such payment, before dropping him from the roll of the school.

"*Provided, further,* That the following students with high school scholarship ratings shall be exempted from the payment of tuition fees:

"*(a)* The valedictorian, the salutatorian, and the first honorable mention of each seventh grade graduating class of nineteen hundred forty—nineteen hundred forty-one of a city intermediate or elementary school every school year.

“(b) The valedictorian, the salutatorian, and the first honorable mention of each sixth grade graduating class, after said school year nineteen hundred forty-nineteen hundred forty-one of a city intermediate or elementary school every school year.

“At the end of each school year, the principal of each city intermediate and elementary school shall certify to His Honor, the Mayor, through the office of the superintendent of city schools, a list of such scholarship students who will be thus automatically exempted from the payment of tuition fees.

“(c) Deserving students of poor parents may apply for exemption on the ground of poverty to His Honor, the Mayor, who is empowered by law to make such exemptions with the concurrence of the Director of Education.”

“*Provided, further,* That those students who are supported by parents or guardians whose monthly salary, wage, rental, or any other income or earning does not exceed forty pesos shall also be exempted from the payment of the tuition fees provided for herein:

“*Provided, further,* That those students, falling under the conditions set forth in the preceding proviso, shall not be entitled to claim for the refund of the amount they have already paid for tuition fees provided for in this Ordinance:

“*Provided, finally,* That a committee, to be known as Committee on Tuition Fee Exemption, is hereby created composed of the Chairman of the Committee on Public Instruction of the Municipal Board or any member thereof, as chairman, the superintendent of city schools or his representative, the city auditor or his representative, the city health officer or his representative, and the chief of police or his representative, as members, to make a careful investigation of the financial status of the parents or guardians of students applying for exemption under the provisions of this Ordinance and to prescribe such rules and regulations for the effectivity of this Ordinance.”

SEC. 2. This ordinance shall take effect on its approval.

Approved, July 23, 1941.

NOTICE OF PROPOSED ORDINANCES OF THE CITY OF MANILA

Notice is hereby given that the Municipal Board is to discuss and to enact the following proposed ordinances:

[ORDINANCE No.]

AN ORDINANCE APPROPRIATING THE SUM OF
FIVE HUNDRED PESOS TO BE MADE AVAIL-
ABLE FOR THE RESTORATION OF THE SALARY

OF THE POSITION OF THE CHIEF OF SECRET SERVICE UNDER THE POLICE DEPARTMENT, FROM SIX THOUSAND PESOS TO SIX THOUSAND FIVE HUNDRED PESOS PER ANNUM.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. The sum of five hundred pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds existing in the city treasury not otherwise appropriated to be made available for the restoration of the salary of the position of the chief of secret service, from six thousand pesos to six thousand five hundred pesos per annum, item ninety-one of the current appropriation of the Police Department, Ordinance Numbered Two thousand eight hundred eighty-five.

SEC. 2. This Ordinance shall take effect on its approval.

Enacted,

Approved,

By order of the Board:

ALFONSO VEDUA
Secretary

[ORDINANCE No.]

AN ORDINANCE PRESCRIBING RULES GOVERNING THE ESTABLISHMENT AND MANAGEMENT OF PUBLIC MARKETS IN THE CITY OF MANILA.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. *Power to establish, form, location, application, extent, bazars, fairs, et cetera.*—No person other than the City of Manila shall establish and maintain public markets of any kind within the limits of the city.

Public markets shall be those which have been designated, or may be designated, by the Municipal Board, and shall be under the immediate control and administration of the superintendent of markets, and their form and extension shall be as shown on the maps on file in the office of the city engineer, or as may hereafter be adopted by the Municipal Board and shall be subject to the provisions of this Ordinance: *Provided, however,* That this Ordinance shall not apply to bazars, fairs, booths, stands, et cetera, which are to be erected on public thoroughfares or places, or on vacant lands, which have not been designated as public markets by the Municipal Board.

SEC. 2. *Light, ventilation, drainage, paving, et cetera.*—Every public market shall be adequately lighted and ventilated, the ground surfaces shall be properly drained and paved, and all stands, stalls, and market fixtures shall be constructed in such manner as the city health officer or his authorized representative may approve.

SEC. 3. *Sanitary maintenance.*—The provisions of Title Thirteen of Ordinance Numbered Sixteen hundred, known as "The Revised Ordinances of the City of Manila," and all pertinent sanitary orders, rules, and regulations issued by the Director of Health or his authorized representative in the city government, including the thirteen regulations for the maintenance of public markets appended as footnote to section seven hundred ninety-nine of Ordinance Numbered One thousand six hundred, otherwise known as "The Revised Ordinances of the City of Manila," shall apply to all public markets.

SEC. 4. *Refuse, where placed.*—No stallholders or any other persons shall place refuse on the floor, stalls, or any place other than the garbage receptacles provided for the purpose.

SEC. 5. *Cleaning of stalls.*—The cleaning of market stalls including the floor spaces thereof and all appurtenances thereto shall be done by the stallholders and their helpers during market hours. All waste matters shall be placed by them in the garbage receptacles provided in the preceding section without prejudice to the superintendent of markets providing sufficient number of laborers who shall be charged with the proper cleaning of the public markets under the immediate direction and responsibility of the market masters who shall see to it that the markets are maintained in clean and sanitary condition. All activities incident to the cleaning of stalls as herein provided shall be under the direction and supervision of the city health officer as chief of the Department of Health and Welfare of the City of Manila.

SEC. 6. *Shanties and structures prohibited.*—No shanty or structure in the nature of an independent room shall be permitted in or about the public markets other than the buildings authorized for offices of the market employees or other municipal purposes.

SEC. 7. *Market sections.*—Every public market shall be conveniently divided into sections according to the kinds of merchandise offered for sale, and, the sale of merchandise pertaining to one section shall not be allowed in other sections: *Provided*, That the City Mayor for the good of the public may grant temporary permit not to exceed thirty days, to sell merchandise pertaining to one section in ano-

ther section until after said public good shall have been satisfied, but this power shall be exercised with utmost prudence.

SEC. 8. *Market stalls.*—The term “market stall” used in this Ordinance shall be understood to apply to any allotted space where merchandise is sold or offered for sale in any public market in the City of Manila in accordance with the standard plan already approved which is seventy-five centimeters longitude or which may hereafter be approved by the city authorities: *Provided, however,* That stalls already created before the enactment of this Ordinance having a measurement of less than seventy-five centimeters in length shall be considered as a standard stall for the purpose of this ordinance.

SEC. 9. *Stalls or fixtures, altering, et cetera, of.*—No person shall alter, disfigure, add to, or change the structure of any stall or market fixture without written permission from the superintendent of the markets division and from the chief of the Department of Health and Welfare of the City of Manila.

SEC. 10. *Direction, supervision, and control of city markets.*—The direction, supervision, and control of city markets now established or which may hereafter be established shall be as follows:

(a) *Administrative control and direction, et cetera.*—The direction, supervision, and general administrative control of city markets, including the cleaning, sanitation, adjudication, or assignment, reassignment, and allocation of stalls; the standardization, classification and/or grouping or regrouping of merchandise to be sold in stalls; and the direction, control, and supervision over the superintendent of markets, market masters, assistant market masters, market guards, and market laborers is hereby vested in the City Department of Health and Welfare to be exercised by the city health officer, his assistants or other representatives duly authorized by him: *Provided, however,* That the exercise by the city health officer of the functions incident to the adjudication, assignment, reassignment, or allocation of stalls shall be subject to the provisions in section eighteen hereof.

(b) *Collection of stall fees and other license fees.*—All activities incident to the collection of stall-fees, regular or special; the collection of wharfage fees, fees from trucks carrying merchandise; the collection of municipal or internal revenue licenses, taxes or dues from persons or entities doing business in the markets; and all accounting work incident to market collections are hereby vested in the city treasurer as chief of the City Finance Department and

shall be exercised, under the direction of the treasurer, by the market collectors, assistant market collectors, or other city finance department personnel duly authorized by the city treasurer: *Provided, however,* That all market personnel who are engaged wholly or partially in the collection of fees, licenses, et cetera, in the city markets shall be under the direct administrative control and supervision of the city treasurer to whom they shall directly be responsible for the due performance of their duties in accordance hereof: *Provided, furthermore,* That, in the performance of their regular duties, these market collectors, assistant market collectors, et cetera, shall promptly report, through the city treasurer, to the authorities concerned all anomalies, irregularities, violations of ordinances and market rules and regulations or neglect of duty that may come to their attention in connection with the performance of the activities enumerated in subsection (a) hereof: *And provided, finally,* That until such time as other arrangements are made or their present official designations changed, all personnel now classified as "assistant market superintendent and collector" in Ordinance Numbered Two thousand seven hundred eighty-eight, the Appropriation Ordinance for the fiscal year nineteen hundred and forty-nineteen hundred and forty-one, shall be under the direction, control, and supervision of the city treasurer insofar as concern their activities in the collection of stall fees, et cetera, but under the direct orders, control, and supervision of the city health officer as to all other activities now performed by them.

SEC. 11. *Control by the superintendent of the markets division.*—There shall be a superintendent of markets who, under the direction of the city health officer as chief of the Department of Health and Welfare of the city of Manila, shall have full control of the administrative direction of all public markets in the city of Manila and through him and other personnel duly authorized by the city health officer, the latter official shall exercise the administrative functions in him vested under and by virtue of subparagraph (a) of the immediately preceding section. The superintendent of markets, under the direction of the city health officer, shall detail for duty in the public markets of the City of Manila such personnel as may be necessary to carry out the functions incumbent upon him and for this purpose he shall have police power to summarily enforce the provisions of this Ordinance and of all other ordinances, resolutions, rules and regulations governing the operation of public markets and, by virtue hereof, all market personnel and all persons having dealings with the city markets

ther section until after said public good shall have been satisfied, but this power shall be exercised with utmost prudence.

SEC. 8. *Market stalls.*—The term “market stall” used in this Ordinance shall be understood to apply to any allotted space where merchandise is sold or offered for sale in any public market in the City of Manila in accordance with the standard plan already approved which is seventy-five centimeters longitude or which may hereafter be approved by the city authorities: *Provided, however,* That stalls already created before the enactment of this Ordinance having a measurement of less than seventy-five centimeters in length shall be considered as a standard stall for the purpose of this ordinance.

SEC. 9. *Stalls or fixtures, altering, et cetera, of.*—No person shall alter, disfigure, add to, or change the structure of any stall or market fixture without written permission from the superintendent of the markets division and from the chief of the Department of Health and Welfare of the City of Manila.

SEC. 10. *Direction, supervision, and control of city markets.*—The direction, supervision, and control of city markets now established or which may hereafter be established shall be as follows:

(a) *Administrative control and direction, et cetera.*—The direction, supervision, and general administrative control of city markets, including the cleaning, sanitation, adjudication, or assignment, reassignment, and allocation of stalls; the standardization, classification and/or grouping or regrouping of merchandise to be sold in stalls; and the direction, control, and supervision over the superintendent of markets, market masters, assistant market masters, market guards, and market laborers is hereby vested in the City Department of Health and Welfare to be exercised by the city health officer, his assistants or other representatives duly authorized by him: *Provided, however,* That the exercise by the city health officer of the functions incident to the adjudication, assignment, reassignment, or allocation of stalls shall be subject to the provisions in section eighteen hereof.

(b) *Collection of stall fees and other license fees.*—All activities incident to the collection of stall-fees, regular or special; the collection of wharfage fees, fees from trucks carrying merchandise; the collection of municipal or internal revenue licenses, taxes or dues from persons or entities doing business in the markets; and all accounting work incident to market collections are hereby vested in the city treasurer as chief of the City Finance Department and

shall be exercised, under the direction of the treasurer, by the market collectors, assistant market collectors, or other city finance department personnel duly authorized by the city treasurer: *Provided, however*, That all market personnel who are engaged wholly or partially in the collection of fees, licenses, et cetera, in the city markets shall be under the direct administrative control and supervision of the city treasurer to whom they shall directly be responsible for the due performance of their duties in accordance hereof: *Provided, furthermore*, That, in the performance of their regular duties, these market collectors, assistant market collectors, et cetera, shall promptly report, through the city treasurer, to the authorities concerned all anomalies, irregularities, violations of ordinances and market rules and regulations or neglect of duty that may come to their attention in connection with the performance of the activities enumerated in subsection (a) hereof: *And provided, finally*, That until such time as other arrangements are made or their present official designations changed, all personnel now classified as "assistant market superintendent and collector" in Ordinance Numbered Two thousand seven hundred eighty-eight, the Appropriation Ordinance for the fiscal year nineteen hundred and forty-nineteen hundred and forty-one, shall be under the direction, control, and supervision of the city treasurer insofar as concern their activities in the collection of stall fees, et cetera, but under the direct orders, control, and supervision of the city health officer as to all other activities now performed by them.

SEC. 11. *Control by the superintendent of the markets division.*—There shall be a superintendent of markets who, under the direction of the city health officer as chief of the Department of Health and Welfare of the city of Manila, shall have full control of the administrative direction of all public markets in the city of Manila and through him and other personnel duly authorized by the city health officer, the latter official shall exercise the administrative functions in him vested under and by virtue of subparagraph (a) of the immediately preceding section. The superintendent of markets, under the direction of the city health officer, shall detail for duty in the public markets of the City of Manila such personnel as may be necessary to carry out the functions incumbent upon him and for this purpose he shall have police power to summarily enforce the provisions of this Ordinance and of all other ordinances, resolutions, rules and regulations governing the operation of public markets and, by virtue hereof, all market personnel and all persons having dealings with the city markets

are required, in all matters pertaining to markets, to obey the direction of the superintendent of markets and of all subordinate personnel working under him.

SEC. 12. (a) *Market masters and other market personnel.*—The city health officer shall assign a market master for each public market who, under the direct supervision of the superintendent of markets, shall be in charge of the market to which he is assigned. He shall be the custodian of all properties belonging to the market and, under the direction of the superintendent of markets, shall have supervision and control over all subordinate market employees. The market master and his subordinates shall see to it that stallholders are provided with the corresponding regular or special tickets for the stalls occupied by them on any particular day, or that occupants of drygoods and flower booths pay the rents due for the use and occupation thereof for the current month. The market master shall likewise see to it that all officials and employees of the different departments of the city government assigned to duty in the public markets comply faithfully and strictly with their respective duties. The market master, under the direction and supervision of the superintendent of markets and the city health officer, shall also see to it that the market to which he is assigned is efficiently operated; and that all subordinate market personnel assigned to his market perform their duties properly.

(b) While in the performance of their duties, market masters, assistant market masters, market guards, and market collectors shall wear a prescribed uniform with arm-bands and with numbered badges conspicuously displayed on their persons. The uniform and the design of the badges shall be prescribed by the city health officer, in the case of market masters, assistant market masters, and market guards and by the city treasurer, in the case of market collectors, and these shall serve as identification of market employees and as symbol of the authority in them vested.

(c) No market master shall serve in any particular market for more than six months: *Provided, however,* That for good cause or when demanded by public interests, the city health officer may, with the approval of the Mayor, shift market masters from one market to another even before the expiration of the period of six months herein specified.

SEC. 13. *Rules and regulations, posting of.*—The superintendent of markets shall post in each public market, in English, Spanish, and Tagalog, the rules and regulations relative to the sanitation and good order in the public

markets, the manner of leasing stalls therein, privileges of stallholders, and such other rules and regulations as the municipal board shall deem necessary. He shall also furnish each stallholders a copy in English, a copy in Spanish or Tagalog of the rules and regulations herein mentioned and such rules and regulations relating to the same subject matter as may hereafter be promulgated.

SEC. 14. *Bulletin board.*—For the purpose of the preceding section, every public market shall be provided with a bulletin board, to be placed conspicuously in or near the office of the market master.

SEC. 15. *Market hours.*—The public markets shall be open for the sale of articles permitted for sale therein from five o'clock antemeridian until eight o'clock postmeridian every day during the year, excepting Sundays and public holidays when they shall be open from five o'clock antemeridian until noon only: *Provided*, That when an official holiday fall on Saturday, the public markets shall be open from five o'clock antemeridian until eight o'clock postmeridian: *Provided, further*, That on the twenty-fourth day of December of every year, all public markets shall be open from four o'clock antemeridian until nine o'clock postmeridian.

SEC. 16. *Markets provided with bells.*—(a) *Ringings before opening and closing.*—Every public market shall be provided with a bell with which to announce the opening and closing of the market by short intermittent ringings before the time fixed for such opening and closing.

(b) *Before opening.*—At the ringing of the bell thirty minutes before the opening of the market, the gate thereof shall be opened so that the stallholders and their helpers may enter and go to their stalls in readiness for the business at the opening of the market.

(c) *Before closing.*—At the ringing of the bell thirty minutes before the time fixed for closing the market, stallholders and their helpers shall, as the case may be, arrange and store their merchandise at a convenient place at their stalls or remove the same from such stalls. All gates except the main gate shall be closed and the purchasers shall leave the market. At the time fixed for closing, the bell shall again be rung and the principal gate shall be closed.

(d) *Ringings thirty minutes after closing.*—Thirty minutes after closing, the bell shall again be rung and the main gate shall be opened for a period of fifteen minutes for the purpose only of permitting the stallholders and their helpers to leave the market and not to admit purchasers during the period of thirty minutes herein provided.

SEC. 17. *Stalls in the markets; their occupation and lease.*—Vacant stalls or booths and newly constructed stalls or booths in the public markets of the City of Manila shall be adjudicated in the following manner:

(a) Notice of vacancy shall be hung above the vacant or newly established stalls or booths, or otherwise so placed therein as to apprise the public of the fact that such stalls or booths are unoccupied and available for lease. This notice of vacancy shall specify the number of the stall or booth, the section in the market where it is located, and the last date during which application therefor may be filed. This notice of vacancy shall be printed on stiff cardboard and should be in the following form:

NOTICE

To whom it may concern:

Notice is hereby given that stall No. of the Market is (or are) vacant (or will be vacated on, 194....). Any person, 21 years of age, and is not legally incapacitated, who is a citizen of the Philippines or of the United States desiring to lease this stall (these stalls) shall file an application therefor in the form prescribed by the superintendent of markets, City Hall, Manila, during office hours before 12 o'clock noon of, 194.... In case there should be more than one applicant the award of the lease of the vacant stall shall be determined by a drawing of lots to be conducted on, 194...., at 12 o'clock noon in the City Hall, P. Burgos Drive, by a committee composed of the city health officer, the city fiscal, the secretary to the Mayor, and the city auditor or their representatives. This stall (these stalls) is (or are) in the section of and is (or are) intended for the sale of

.....
Market Master

The above notice of vacancy shall remain where it is hung or placed for a period of not less than ten days immediately preceding the date of the award. A copy of this notice of vacancy shall also be placed on the bulletin board of the market concerned.

(b) The application shall be signed and submitted to the office of the market master by the applicant in person or his or her attorney. Such application shall be accompanied with two copies of the picture of the applicant, one to be pasted on the application and the other on the record card, in case the application is (shall have been) approved and the stall or stalls, booth or booths applied for, adjudicated to the applicant. It shall be the duty of the market master to keep a detailed and complete list of all applicants for vacant stalls or booths. *It shall also be his duty to acknowledge receipt of the application setting forth therein the time and date of receipt thereof. He shall keep*

a book for such purpose. The applications therein shall be worded in the following form:

.....
 (Address) (Date)
 The SUPERINTENDENT OF MARKETS
 City of Manila

SIR:

I hereby apply, under the following contract of lease, or the occupation or lease of stall No. of the Market. I am years of age, (civil status), a citizen of the and residing at

Should the above-mentioned stall (or stalls) be leased to me in accordance with the market rules and regulations, I promise to hold the same under the following conditions:

(1) That while I am occupying or leasing this stall (or these stalls), I shall at all times have my picture and that of my helper (or those of my helpers) conveniently framed and hung up conspicuously in the place indicated by the market authorities.

(2) I shall keep the stall (or stalls) at all times in good sanitary condition and comply strictly with all existing sanitary and market rules and regulations or which may hereafter be promulgated.

(3) I shall pay the corresponding rents for the booths or the fees for the stall (or stalls) daily in the manner prescribed by the city treasurer.

(4) The business to be conducted in the stall (or stalls) shall belong exclusively to me.

(5) In case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall (or stalls or booths) every day. Should I be compelled by illness or other good cause to absent myself temporarily from the stall (or stalls or booth), I shall promptly notify the market authorities of my absence, giving my reason or reasons therefor.

(6) I shall not sell or transfer my privilege to the stall (or stalls or booth), or otherwise permit another person to conduct business therein.

(7) Any violation on my part or on the part of my helpers of the foregoing conditions shall be sufficient cause for the market authorities to cancel this contract and to declare the stall (or stalls or booth) vacant so that the same may be leased to other applicants.

Very respectfully,

.....
Applicant

I,, do hereby state that I am the
 (Applicant)

person who signed the foregoing application, that I have read the same and that the contents thereof are true to the best of my knowledge and belief.

.....
Applicant

Subscribed and sworn to before me in the City of Manila, Philippines, this day of, 194....

.....
 (Official title)

(c) On the date and hour specified in the notice of vacancy, the vacant stall (or stalls) shall be adjudicated through drawing of lots to be conducted by the Market Committee which shall report the result of the drawing to the city health officer for appropriate action pursuant to section 10 (a) hereof. In the event there is only one applicant, no drawing of lots need be held and the city health officer may adjudicate the stall (or stalls) to the said applicant.

(d) In the case of dry-goods and flower booths, their adjudication shall be through closed bids, the bid proposals to be submitted to the market master (in case of dry-goods booths) and to the city health officer (in case of flower booths). *If submitted to the wrong party, it shall be the duty of said officer to immediately submit or transmit the same to the corresponding officer. These officers shall acknowledge receipt of the bid and in said acknowledgement the hour and date of receipt shall appear. A book shall be kept by these officers for this purpose.* All bids submitted shall be sent by those concerned to the Market Committee for opening and adjudication on the date set for the award.

(e) It shall be obligatory on the part of those holding stalls in the city markets on the date this Ordinance is approved, to place their pictures and those of their helpers, duly framed at the place in their stalls to be indicated by the market master.

SEC. 18. *Market Committee.*—There is hereby created a Permanent Market Committee composed of the city health officer or his representative, as chairman, the secretary to the Mayor, the city auditor, the city fiscal and the city treasurer, or their duly authorized representatives, as members, whose duty it shall be: to conduct the drawing of lots, and opening of bids for the adjudication of vacant or newly created stalls or booths in the city markets and to certify to the city health officer the result thereof; to make a study of, submit comment and recommendation on and, afterwards, supervise transfers of stallholders from one section to another, or from one stall to another; to regroup or rearrange market stalls as may be found necessary for the efficient and sanitary operation of the business in the city markets; and, in an advisory capacity, to make a study of all phases of market matters and to submit comment and recommendation thereon to the city health officer: *Provided, however,* That the adjudication of vacant or newly created dry-goods and flower-market booths shall be undertaken through closed bids: *And provided, finally,* That the adjudication or lease of vacant or newly created booths in the city markets shall be under the direction of the Market

Committee and subject to the rules and regulations prescribed in this Ordinance.

SEC. 19. *Assignment to stall necessary.*—No person shall sell, offer for sale, or expose for sale any article or articles in any public market, or use or occupy any stall without first having been assigned to such stall in the manner provided in this Ordinance. *Any person violating the provisions of this section shall be required to pay daily special fees for the stall or booth so occupied, this said special fees to consist of twice the amount regularly charged in the market for said stall or booth: Provided, however, That the regular lessee or occupant of the stall or booth in question may, for cause, be deprived of the stall or stalls, booth or booths, leased to or occupied by him, or required to pay special assignment fees for the abandonment of his stalls or booths during the whole period same had been occupied by unauthorized person in the discretion of the competent authorities concerned.*

SEC. 20. *Death of the lessee; succession.*—Upon the death of the lawful holder of a stall or stalls in the public markets of the City of Manila, the stalls formerly leased to the deceased shall automatically become vacant: *Provided, however, That if the deceased left a surviving spouse and this surviving spouse desires to continue leasing or occupying the stall or stalls, booth or booths, of the deceased, a formal application, in writing, should be filed with the market master within ten days following the death of the former lessee or occupant. This application must be verified: Provided, furthermore, That in the event the deceased left no surviving spouse but sons or daughters, and the latter desire to continue the business of the deceased, the eldest among them, or whoever said sons or daughters may elect to have the stall or booth transferred to, shall file a formal application, in writing, with the market master of their desire to continue with the business of the deceased within ten days immediately after his death. This application must be verified.* Upon receipt by the market master of a notice to this effect, it shall be his duty, subject to the approval of the Market Committee and of the city health officer, to transfer the assignment and lease of the stall or stalls, booth or booths, in question to the spouse or son or daughter of the deceased, as the case may be, provided said spouse, son or daughter of the deceased have the necessary qualifications and are not otherwise legally incapacitated to lease or occupy stalls or booths in the public markets: *And provided, furthermore, That they pay the rent or rents due and comply with such other requisites as may be provided in the ordinances, rules, regulations and other provisions of legal character in force in the public markets.*

SEC. 21. *Lessees, partnership.*—The legal holder of stalls or booths in the public markets of the City of Manila may admit partners to the business of the stalls or booths leased by him, if he so desires: *Provided, however,* That partnerships now existing, or which may hereafter exist, regarding any business operated in the public markets shall not have the effect of authorizing parties thereto to exercise right of occupation or use of any stall or stalls or booth or booths in the public markets when not otherwise lawfully entitled to the use or occupation thereof: *And provided, further,* That in case of the *separation* of any partner thereto, the event gives no right to any surviving partner regarding the occupation of any stall or stalls, booth or booths, when not otherwise duly authorized to lease or occupy said stall or stalls, booth or booths: *Provided, finally,* That any violation of the provision of this section shall be dealt with as provided in section eighteen hereof.

SEC. 22. *"Dummies"; persons subleasing their stalls.*—Where the person or persons whose names, at the time of the approval of this Ordinance, appear in the official register as holders of stall or stalls, booth or booths, in the public markets of the City of Manila, are not, in reality, the persons who really and truly occupy said stall or stalls, booth or booths, but other persons, and the latter are the real owners of the merchandise sold or exposed for sale therein, the lease or leases of the aforesaid stall or stalls, booth or booths, shall, upon request of the latter and upon investigation and proof thereof, be cancelled in favor of the petitioners, and the stalls or booths transferred to the petitioners, and the stalls or booths transferred to the names of the latter: *Provided, however,* That those who desire to avail themselves of the right granted them in this section, submit the petition to this effect to the market master within thirty days from and after the date of the publication of this Ordinance in the Official Gazette: *And provided, finally,* That failure of those concerned to submit the petition within the time limit in this Ordinance provided, shall be construed as waiver on their part to avail themselves of the right herein granted them and they shall not thereafter be entitled to any hearing on their cases.

SEC. 23. *Number of stalls leased to each person not to exceed four.*—No person shall be allowed to lease more than four stalls: *Provided,* That when two or more stalls are leased to one person, such stalls shall adjoin one another and shall be located in the same section of the market: *Provided, furthermore,* That it shall be a violation of this section for more than one member of a family consisting of the father, mother, sons, and daughters, to hold stalls in one market unless these sons and daughters of the family so

occupying or leasing stalls therein are already married and with families of their own to support, or when they are already living by themselves and independently of their mother or father: *And provided, finally*, That any person or persons violating this provision, shall upon investigation, be required to immediately vacate the stall or stalls, booth or booths, illegally occupied.

SEC. 24. *Temporary lease*.—Temporary leases granted are hereby cancelled and temporary lessee may apply and shall have the right to occupy permanently their respective stalls and shall enjoy all the privileges and rights that are extended and granted to permanent holders of stalls; but if said temporary holders do not desire to apply for the aforesaid stalls for definite adjudication in their favor, the stalls shall be declared vacant.

SEC. 25. *Duration of regular lease*.—The regular lease of market stalls shall be understood to be continuous, unless the City Mayor, for any reasonable or just cause, or for any violation of the provisions of this or any other ordinance, or any rules and regulations relating to the administration of the public markets, revoke the same: *Provided*, That the rents shall be paid daily in the manner prescribed by the city treasurer, unless the stallholder desire to pay such rents in advance for any period of time longer than a day.

SEC. 26. *Citizenships of stallholders*.—No person shall be permitted to engage in any form of business in the public markets of Manila other than citizens of the Philippines and of the United States: *Provided*, That foreigners having existing business in the said markets and duly licensed therefor are hereby given a grace of one year upon approval of this Ordinance to vacate the stalls they occupy.

SEC. 27. *Other disqualifications*.—No person suffering from any reportable or communicable disease shall be permitted to engage in business in any public market or be employed therein in any capacity, and no person holding any stall in one public market shall be allowed to lease another in another public market: *Provided, however*, That stallholders affected by this provision are hereby given a period of grace of not to exceed four months within which to dispose of the merchandise in their stalls after which their right in and to their stall or stalls, booth or booths, shall automatically become cancelled and revoked and said stall or stalls, booth or booths, become vacant for adjudication to other parties as in this Ordinance provided, or to the other spouse, or to the eldest son or daughter of such holders, as provided for in section nineteen hereof.

SEC. 28. *Stallholders must personally administer stall; helpers*.—(a) Any person now leasing or who may hereafter lease stalls in the public markets from the City of

Manila in accordance with the provisions of this Ordinance shall occupy, administer, and be present personally at his stall or stalls, booth or booths: *Provided*, That upon application filed with the superintendent of markets and duly approved by the City Mayor, any stallholder leasing stalls under this Ordinance may be authorized to employ helpers: *Provided, however*, That the parents and children of the stallholder who are actually living with him and who are not disqualified under this Ordinance, may be registered as his helpers without the necessity of the application herein prescribed: *Provided, further*, That the granting of the authority to employ not more than two helpers for every stallholder shall be subject to the express condition that the helpers shall be citizens of the Philippines or of the United States: *Provided, furthermore*, That persons recommended for appointment as helpers shall under no circumstances be persons with whom the stallholders requesting the appointment have any partnership or commercial relation or transaction: *And provided, finally*, That the appointment of helpers shall not relieve the stallholders of the duty of personally administering the business of, and of being personally present at, his stall or stalls, booth or booths, every day, unless he is unable to do so by reason of illness or infirmity, in which case the corresponding authority to leave his stalls shall be obtained from the superintendent of markets, subject to the approval of the city health officer.

SEC. 29. *Carriers in public markets*.—No person shall engage in the occupation of carrier in any public market unless he is first registered as such in the office of the superintendent of markets. Each carrier shall be provided by the superintendent of markets with a registration certificate and a numbered metal badge of approval design which he shall wear conspicuously while working as carrier. For the issuance of such certificate and metal badge, the city treasurer shall collect such amount as may be necessary to cover the actual cost thereof. The superintendent of markets shall have power to fix such number of carriers in each public market as he shall deem sufficient to handle the needs of such market. No person registered in one market shall act as carrier in other markets and no person with a previous conviction for any of the crimes against property shall be registered as carrier. Any person convicted of any of such crimes after he has been registered as carrier shall be automatically disqualified to further act as carrier and his name shall be dropped from the list of carriers kept in the office of the superintendent of markets: *Provided*, That the occupation of carrier in the public markets is for the citizens of the Philippines or of the United States.

SEC. 30. *Forward movement of adjoining lessees when*

corner stalls become vacant.—When a stall, or series of stalls become vacant, adjoining stallholders shall have preference to the lease or occupation of the vacant stall or stalls, in which case the occupants of stall located in the line of stalls concerned, may move forward toward the corner stall: *Provided, however,* That this section shall not apply to stallholders who are not citizens of the Philippines or of the United States: *Provided, furthermore,* That the total number of stallholders in a given line of stalls, half are entitled to move toward the right corner when and if the vacant corner stall or stalls are on their right; the other half toward the left corner should the contrary be the case: *And, provided, finally,* That the right to move forward toward the corner stall or stalls vacated is optional only and may be expressly waived, in which case, the stallholder immediately next to the stallholder refusing to move forward, may occupy the stall or stalls not occupied.

SEC. 31. *Stallholders to occupy allotted stalls or spaces only.*—Stallholders shall not be allowed to occupy stalls or spaces other than those leased to them, and it shall be the duty of the market master and his subordinates to enforce this prohibition and apply, in proper cases, the penalty provided in section eighteen for offending stallholders.

SEC. 32. *Vacation leave of stallholders.*—(a) Permissions to be absent for short duration may be given a stallholder by the superintendent of markets when by reason of illness or other sufficient cause the granting of such permission becomes necessary: *Provided, however,* That where a stallholder contemplates being absent from his stalls or booths for a period of more than seven days, he shall submit to the superintendent of markets a written application therefor, accompanied by a medical certificate under oath, in case of illness, or other evidence supporting said application, which application the superintendent of markets shall forward to the city health officer for approval: *Provided, further,* That the period of leave of absence a stallholder may enjoy shall not exceed one month for every year of *stay* in his stall: *And provided, finally,* That the maximum period of leave that may be granted a stallholder shall not exceed four months. During the stallholder's absence as in this section provided, one of his registered helpers shall be authorized to continue the business of his stall or booth. (b) Failure of a stallholder to return to and resume business at his stall at the expiration of the leave granted, *which fact shall be forthwith reported to the Mayor and the Municipal Board,* shall be deemed sufficient cause for the cancellation of his lease, unless otherwise decreed by the Mayor.

SEC. 33. *Rents of stalls in the market.*—(a) The rental fees charged for the occupation of stalls in the public mar-

kets of the City of Manila shall be equal and uniform in all sections in each market. Rents for each day or a fraction thereof a stall is leased shall be collected according to the following rates: Divisoria, Quinta, and Del Pan Markets, thirty centavos; Arranque and Paco Markets, twenty centavos; Sampaloc and Obrero Markets, twenty centavos; Tondo Market, twenty centavos; Santa Ana, San Andres, and Bambang Markets, ten centavos; and Pandacan Market, five centavos.

(b) The employees of the office of the treasurer assigned in the markets under section 10(b) hereof, shall collect fees from persons offering for sale merchandise in trucks or conveyances parked in the vicinity of the markets, or in "tangkals," according to the following tariff rates:

(1) Conveyance (or container	(2) Maximum capacity kilos	(3) Number of tickets	(4) Number of tickets	(5) Number of tickets
Trucks from 1 to $\frac{1}{2}$ tons	1,500	6	8
Trucks from $1\frac{1}{2}$ to 2 tons	2,000	8	10
Trucks from 2 to $2\frac{1}{2}$ tons	2,500	12	14
Trucks from $2\frac{1}{2}$ to 3 tons	3,000	14	16
Trucks from 3 to $3\frac{1}{2}$ tons	3,500	18	22
Trucks from $3\frac{1}{2}$ to 4 tons	4,000	22	24
Trucks from 4 to 5 tons	5,000	26	30
For 1 "tangkal" containing less than 3 suckling pigs.....				1
For 1 "tangkal" containing from 3 to 6 suckling pigs.....				2
For 1 "tangkal" containing more than 6 but less than 8 suckling pigs				3
For 1 "tangkal" containing less than 20 chickens				1
For 1 "tangkal" containing from 20 to 30 chickens				2
For 1 "tangkal" containing from 30 to 40 chickens				3
For 1 "tangkal" containing from 40 to 50 chickens				4

(c) The number of tickets specified in column (3) shall be collected from the owners of the trucks when their trucks are loaded with the following or similar merchandise:

1. Legumes, i. e. "talbus," "pechay," "kangkong," "mustaza," etc.
2. Unripe papayas.
3. Unripe bananas or similar fruits: "gabi," camote.
4. Cucumber.
5. Sitaw, bataw, ampalaya, patani, and similar vegetables in pads, calamansi, dayap, cabuyao, lemon.

(d) The number of tickets specified in column (4) shall be collected from the owners of the trucks when their trucks are loaded with the following ripe fruits or fruits similar to the same:

Mangoes, lanzones, mangustan, avocado, caimito, piña, melon, watermelon, papayas.

(e) Employees of the office of the treasurer in charge of the collection of market fees shall collect fees from the owners of water crafts, such as cascos, bancas, launches, etcetera, loaded with foodstuffs and/or merchandise and anchoring in rivers, wharves, and esteros in the neighborhood of city markets, in accordance with the tariff fixed in Ordinance Numbered One thousand four hundred forty, which wharfage fees are based upon the size or capacity of the water craft carrying said merchandise.

(f) It shall be the duty of owners and/or drivers of trucks owners of water crafts and owners of "tangks" containing merchandise upon arrival in any city market and before unloading and/or selling the merchandise or pigs carried in the same, to immediately report to the market masters or market collectors their presence in the said markets in order that the latter may determine the exact number of tickets they are required to pay: *Provided, however,* That any violation of this provision shall render such owner or owners subject to the payment of special assignment tickets representing twice the amount of market fees to be determined pursuant to the capacity and/or volume of merchandise so unloaded or sold without previous notification to the market masters or to the market collectors as in this subsection provided.

(g) Proper and authorized spaces within the premises of the market may also be leased, and for a space equal in dimensions to those of a regular stall shall be deemed one stall and the corresponding fee charged.

(h) No space which is not numbered as a regular stall shall be leased for the sale of merchandise until and unless all regular stalls in the section for such merchandise have been leased.

(i) Nothing in this section shall be construed as permitting peddling in and around the market premises, or having in any way altered or amended the prohibition in the Revised Ordinances relative to peddling, or the provisions of section thirty-nine hereof.

SEC. 34. *Manner of collecting rents.*—The fees or rents provided in the preceding section shall be collected in the manner prescribed by the city treasurer: *Provided,* That every receipt issued for the payment of such fees or rents shall bear the number of the corresponding stall, or booth, as the case may be, and the name of the lessee.

SEC. 35. *Person other than the stallholder occupying stall to pay rent.*—Any person other than the stallholder or his partner or his registered helper found conducting business at the stallholder's stall shall be required to pay the rents in addition to the corresponding rents collected from the regular stallholder: *Provided,* That the regular

holder or lessee of the stall or booth so illegitimately used or occupied shall, in proper cases, be dealt with as provided in section nineteen hereof.

SEC. 36. *Manner of exposing merchandise; container.*—All provisions, merchandise, goods, or articles offered for sale in the market shall be so arranged that no portion of the alleys shall be obstructed, and that the floor, stands, stalls, and all other places or things used for exposing the same can be easily and perfectly cleansed. All merchandise, goods, articles, or foodstuffs offered for sale shall be protected from all kinds of insects and vermin, and placed in such manner as the superintendent of the markets or his authorized representative may direct, and all containers for merchandise shall be of such a size, class, and condition as shall be suitable for the purpose for which it is used.

SEC. 37. *Sale, exposure for, what constitutes.*—Whenever any article shall be exhibited in any public market, as if the same were intended for sale, whether sold or not, or directly offered for sale or not, such exhibition shall be held to be an exposure of the same for same and an offer to sell within the meaning of this Ordinance.

SEC. 38. *Sections, vendors assigned to.*—Vendors shall be assigned to sections, according to the nature of the articles intended for sale, and any attempt to occupy any stall for any purpose other than that for which it was specifically assigned, shall render void any privilege granted the stallholders. Helpers and vendors or sellers in public markets shall at all times treat market customers or purchasers with courtesy. Violations of this requirement shall be dealt with by competent authorities as the facts and circumstances of each case may warrant.

SEC. 39. *Prohibition.*—No person shall sell, offer for sale, or expose in any public market wares, merchandise, or manufactured goods other than sea-foods, vegetables, fruits, cereals, nuts, poultry, game, or foodstuffs including cooked foods, which are intended for human consumption and preserved products at retail: *Provided*, That in case a stall or series of stalls become vacant and the superintendent of markets is of the opinion that they are no longer desired by any applicant for the sale of the articles hereinabove enumerated, he shall so report the fact to the city health officer who, in case such stalls or series of stalls form a whole section, may direct that same be leased to any applicant who is a citizen of the Philippines or of the United States, for the sale of dry-goods or manufactured articles, such as tableware, kitchen utensils, and other similar merchandise: *Provided, further*, That the lease of stalls for the sale of such dry goods or other manufactured articles, may be revoked by the City Mayor upon thirty days' notice to the holder thereof.

SEC. 40. *Peddlers, courts (patios), sidewalks, etcetera.*—Peddlers or hawkers shall not be permitted in the public markets of the city for or in its surroundings, within a radius of two hundred meters from its confines, to offer for sale articles or merchandise which are sold or exposed for sale in the stalls or booths of said markets, in order to avoid unjust competition. Neither shall they be permitted to expose merchandise on sidewalks, courts (patios) or places for the passage of the public in the public markets of the City of Manila. Market officials and employees, and policemen detailed in the vicinity of public markets shall exercise strict vigilance on this matter and enjoin strict compliance with these provisions. Neither shall any person be permitted to peddle, hawk, sell, offer for sale, or expose for sale any article in the passageways or aisles of any public market.

SEC. 41. *Meat sections—Beef and carabao meat.*—(a) In the case of beef and carabao meat, two separate sections of the market shall be assigned to vendors thereof, and no carabao meat shall be sold or offered for sale, introduced, placed, exposed, stored, or kept in any stall in the section assigned for beef, and vice versa. Mixing both kinds of meat shall not be allowed, nor shall carabao meat be permitted to be mixed with beef or pork in the manufacture of sausages. Any violation of this provision shall, in proper cases, be dealt with by the offender being deprived of the stall or stalls leased to or occupied by him, and shall, furthermore, be excluded from the privilege of engaging in the same business in all other city markets.

(b) *Sign posting.*—Proper board signs shall be posted by the market authorities in conspicuous places of the sections for beef and carabao meat, stating the kind of meat authorized for sale in each section which shall be separated from each other by a tall wire screen.

(c) *Definition.*—The term meat as herein used refers to fresh meat from cow, carabao, goat, sheep, and swine killed in the city slaughterhouse.

SEC. 42. *Ejected stallholder disqualified to participate in the drawing of lots.*—Should a stallholder be ejected from his stall for cause as in this Ordinance provided, he and his helpers shall be disqualified from again leasing said stall or any other stall in any public market of the city for a period of one year.

SEC. 43. *Abandoned articles.*—All articles abandoned in any public market in violation of any provision of this Ordinance or of any rule and regulation relating to the management of the city markets, shall be deemed a nuisance, and it shall be the duty of the market master and his subordinates to take custody of the same. In case the articles are claimed within twenty-four hours thereafter, they shall be returned to their owners upon payment of

holder or lessee of the stall or booth so illegitimately used or occupied shall, in proper cases, be dealt with as provided in section nineteen hereof.

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SEC. 39. *Prohibition.*—No person shall sell, offer for sale, or expose in any public market wares, merchandise, or manufactured goods other than sea-foods, vegetables, fruits, cereals, nuts, poultry, game, or foodstuffs including cooked-foods, which are intended for human consumption and preserved products at retail: *Provided*, That in case a stall or series of stalls become vacant and the superintendent of markets is of the opinion that they are no longer desired by any applicant for the sale of the articles hereinabove enumerated, he shall so report the fact to the city health officer who, in case such stalls or series of stalls form a whole section, may direct that same be leased to any applicant who is a citizen of the Philippines or of the United States, for the sale of dry-goods or manufactured articles, such as tableware, kitchen utensils, and other similar merchandise: *Provided, further*, That the lease of stalls for the sale of such dry goods or other manufactured articles, may be revoked by the City Mayor upon thirty days' notice to the holder thereof.

SEC. 40. *Peddlers, courts (patios), sidewalks, etcetera.*—Peddlers or hawkers shall not be permitted in the public markets of the city for or in its surroundings, within a radius of two hundred meters from its confines, to offer for sale articles or merchandise which are sold or exposed for sale in the stalls or booths of said markets, in order to avoid unjust competition. Neither shall they be permitted to expose merchandise on sidewalks, courts (*patios*) or places for the passage of the public in the public markets of the City of Manila. Market officials and employees, and policemen detailed in the vicinity of public markets shall exercise strict vigilance on this matter and enjoin strict compliance with these provisions. Neither shall any person be permitted to peddle, hawk, sell, offer for sale, or expose for sale any article in the passageways or aisles of any public market.

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SEC. 43. *Abandoned articles.*—All articles abandoned in any public market in violation of any provision of this Ordinance or of any rule and regulation relating to the management of the city markets, shall be deemed a nuisance, and it shall be the duty of the market master and his subordinates to take custody of the same. In case the articles are claimed within twenty-four hours thereafter, they shall be returned to their owners upon payment of

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(b) *Sign posting.*—Proper board signs shall be posted by the market authorities in conspicuous places of the sections for beef and carabao meat, stating the kind of meat authorized for sale in each section which shall be separated from each other by a tall wire screen.

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actual expenses incurred in their safe-keeping, unless they have so deteriorated as to constitute a menace to public health, in which case, they shall be disposed of in the manner directed by the city health officer who may also, in his discretion, cause the criminal prosecution of the guilty party, or warn him merely against future violations. If the articles have not deteriorated and are not claimed within the period of time herein fixed, said articles shall be sold at public auction, and the proceeds thereof disposed of in accordance to law.

SEC. 44. *Loafing, loitering, and begging not permitted.*—No person not having lawful business in or about any public market shall idly sit, lounge, walk, or lie in or about the premises of the same, nor shall any person beg, solicit alms or contributions in or about any public market.

SEC. 45. *Obstructing or annoying employees; sitting or reclining on stalls, prohibited.*—No person shall annoy or obstruct market employees in the discharge of their duties; nor shall any person sit or lie on any market stall or table, nor shall parents allow their children in or around their stalls or play in the market premises.

SEC. 46. *Loose animals not allowed.*—No dogs or other animals shall be left astray in any public market, and the market master concerned and his subordinates are hereby empowered to catch such astray animals and to impound them in the city pound for disposition as in the case of other animals impounded therein.

SEC. 47. *City not responsible for stallholders' losses.*—The city shall not be responsible to stallholders for any losses or damages which said stallholders may incur in public markets by reason of fire, theft, or other cause, and any merchandise or property left in the public markets during the hours the public markets are closed shall be at the risk of the stallholders: *Provided, however,* That it shall be the duty of the market master and his subordinates to exercise reasonable diligence and care to prevent loss of private and public property therein, and may, for this purpose, apprehend and turn over to the police any person or persons committing any offense in the public markets.

SEC. 48. *Penalties for violations of this Ordinance by stallholder or his helper; revocation of lease.*—Failure to pay the rents, licenses or fees herein provided for, which may be provided for by the Internal Revenue Code or any other law or ordinance, or any violation of any provision of this Ordinance by a stallholder or his helper shall be sufficient cause for the revocation of the lease of the offender and his ejection from the stalls or booths leased to or occupied by him, his suspension therefrom for a period of from five to ten days, or the taking of such other action

as may be provided in this Ordinance or which may be commensurate with the nature and gravity of the offense or violation committed. Other violations of this Ordinance sufficiently grave or serious in nature as to require criminal prosecution, shall be punishable by a fine of not more than two hundred pesos, or by imprisonment for a period of not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 49. *Appeals*.—Any stallholder, person, or entity directly affected or aggrieved by or not satisfied with the decision or action handed down or taken by the city health officer, the city sanitary engineer, the city treasurer or his deputies, the superintendent of markets, and the market masters or their assistants, may appeal the same to the Mayor of the City of Manila whose decision or action in the premises shall be final except as may otherwise be decreed by competent legal authority: *Provided, however*, That nothing in this Ordinance shall be construed as preventing any market authority, employee, person, or entity from seeking the intervention of the Mayor in any market case or question which case may be forwarded to the said Mayor of the City of Manila for instruction, consultation, or advice, according as the nature of the case may call for.

SEC. 50. *Repealing clauses*.—Sections seven hundred ninety-six to eight hundred seventeen, inclusive, of Ordinance Numbered Sixteen hundred, known as "The Revised Ordinances of the City of Manila"; all market rules and regulations, and their amendments, in force prior to the approval of this Ordinance; Resolution Numbered Ninety, series of nineteen hundred twenty-nine; Resolution Numbered Two hundred, series of nineteen hundred thirty-seven; and their amendments; Ordinance Numbered Two thousand eight hundred forty-six, and all other Ordinances, Resolutions, and Market Rules and Regulations inconsistent with the provisions of this Ordinance, are hereby repealed.

SEC. 51. *Effective date*.—This Ordinance shall take effect immediately on its approval.

Enacted,

Approved,

By order of the Board:

ALFONSO VEDUA
Secretary

[ORDINANCE No.]

AN ORDINANCE REGULATING THE CONSTRUCTION
OF BUILDINGS ON THE TONDO BURNT AREA,
BOUNDED ON THE NORTH BY THE PROPOSED
RAILROAD LINE, VITAS ESTERO, AND CALLE

TAYUMAN, ON THE EAST BY THE MANILA RAILROAD COMPANY AT DAGUPAN STREET, ON THE SOUTH BY CALLE MORIONES, AND ON THE WEST BY THE MANILA BAY, AS SHOWN ON THE TONDO RECONSTRUCTION PLAN SUBMITTED BY THE ENGINEER, FOR THIS PURPOSE.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. All buildings to be constructed on the Tondo Burnt Area, bounded on the north by the proposed railroad line, Vitas Estero, and Calle Tayuman, on the east by the Manila Railroad Company at Dagupan Street, on the south by Calle Moriones, and on the west by the Manila Bay, as shown on the Tondo Reconstruction Plan submitted by the city engineer, for this purpose, shall comply with the following:

1. *Roofing.*—All roofing to be of non-combustible materials, such as galvanized iron, tile, asbestos shingles, asbestos corrugated, or any other similar materials subject to the approval of the city engineer and the chief, Fire Department.

2. *Interior partitions.*—No light materials, such as sawale, bamboo, et cetera, be used.

3. *Sidings.*—Sidings on the first floor shall be of adobe stone, bricks, concrete or plastered sawale (tabique Pampango), or other fire-proof resisting materials. Sidings on the second or higher stories shall be of plastered sawale (tabique Pampango) or any other fire-proof materials; wood can be allowed if the building is erected at a distance of not less than two meters from any boundary line or if there is a firewall erected between buildings.

4. *Distance between buildings.*—No buildings shall be allowed to be erected at a distance of less than two meters from any boundary line other than on the street line unless a firewall be erected between buildings or unless the sidings are constructed of fire-proof materials.

5. *Minimum size of lot.*—The minimum size of the lot shall be not less than fifty square meters. No buildings will be allowed facing private alleys (for proper control of sanitation and fire).

SEC. 2. This Ordinance shall take effect on its approval.

Enacted,

Approved,

By order of the Board:

ALFONSO VEDUA
Secretary

DECISIONS OF THE SUPREME COURT

[No. 48027. Junio 10, 1941]

EL INTESTADO DE BENITO VALDEZ Y OTRO, recurrentes, *contra* VICENTE ALBERT, Juez de Primera Instancia de Masbate, y EL DIRECTOR DE TERRENOS, recurridos.

APELACIÓN; PIEZA DE EXCEPCIONES; CORRECCIÓN POR EL JUZGADO DE PRIMERA INSTANCIA.—El artículo 7 de la Regla 41 y el artículo 9 de la Regla 50 de los Nuevos Reglamentos de los Tribunales, establecen la norma que los Juzgados de Primera Instancia deben seguir, y definen la facultad que deben ejercer cuando se les presenta una Pieza de Excepciones para su aprobación. Es solamente en el caso de ser incompleta o incorrecta la Pieza de Excepciones que se les presenta, cuando los Juzgados de Primera Instancia pueden ordenar su corrección, ya para completarla o ya para ajustarla a los verdaderos hechos, insertando en la misma lo que se hubiese omitido intencional o involuntariamente, o corrigiendo cualquier error de que adoleciera. No tienen libertad para truncarla ordenando la eliminación de la misma de escritos o hechos que sirven de ayuda para esclarecer o comprender las cuestiones que aquel que apela quiere plantear. Lo único que de la Pieza de Excepciones pueden eliminar, son lo impertinente, redundante e indecoroso (art. 15, Regla 15 de los Nuevos Reglamentos); y no deben prejuzgar lo que las partes o sus abogados y el Tribunal al que la causa va a ser elevada en apelación, puedan decir o resolver sobre la materia. Deben dar al apelante oportunidad de enterar al Tribunal al que apela, de todos los incidentes habidos en el juicio para poder determinar el último si la orden o la decisión apelada está arreglada a derecho o no.

JUICIO ORIGINAL en el Tribunal Supremo. *Mandamus.*

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Vicente J. Francisco en representación de los recurrentes.

El Procurador General Sr. Ozaeta, D. Ramón Diokno y D. Agatón Fiel en representación de los recurridos.

DÍAZ, M.:

Con el fin de perfeccionar la apelación que los recurrentes interpusieron contra una orden del Juzgado de Primera Instancia de la provincia de Masbate, dictada en el Expediente de Registro No. 65 de la mencionada provincia (G. L. R. O. Record No. 42235), que disponía el sobreseimiento de la solicitud de los mismos por no haberla enmendado como se les requirió que hiciesen, mediante la orden de 22 de

julio de 1940, dichos recurrentes presentaron para su aprobación su Pieza de Excepciones. Debido a los reparos que a dicha pieza hizo el Procurador General en representación del Director de Terrenos, opositor en el referido expediente, el Juez recurrido ordenó a los recurrentes que la rehiciesen, no solamente en el sentido propuesto por el mencionado funcionario, insertando el adverbio negativo "no" entre cierta "y" y el vocablo "priva", en la línea 14-a de su página 110, más la decisión del Juzgado de Primera Instancia y la de este Tribunal dictada en la causa de Benito Valdez y otros contra El Director de Terrenos y otros, visible a folio 389 del Tomo 62 de la Jurisprudencia Filipina, sino también para eliminar de dicha Pieza sus párrafos 1 al 43, inclusive, por considerarlos no ser más que copias de escritos, mociones, y órdenes interlocutorias, sin relación alguna con la orden de la que querían apelar.

Los escritos, mociones, y órdenes interlocutorias cuya eliminación de la Pieza de Excepciones de los recurrentes fué ordenada por el Juez recurrido, consistían en la misma solicitud que encabezó el expediente de registro ya mencionado, en los escritos de oposición allí presentados, en las contestaciones a dichos escritos, y en las órdenes que resolvían los incidentes que se promovieron mediante los mismos.

Creyendo los recurrentes que el Juez recurrido procedió sin autoridad al dejar de aprobar su Pieza de Excepciones y al ordenar la eliminación de la misma de muchas de sus partes, que para ellos eran muy esenciales, promovieron este proceso de *mandamus*, considerándolo como el único medio de que podían valerse para obligarle a aprobar la referida Pieza en su forma original.

El artículo 7 de la Regla 41 y el artículo 9 de la Regla 50 de los Nuevos Reglamentos de los Tribunales, establecen la norma que los Juzgados de Primera Instancia deben seguir, y definen la facultad que deben ejercer cuando se les presenta una Pieza de Excepciones para su aprobación. Dicen dichos artículos:

"Upon the submission for approval of the record on appeal, if no objection is filed within five days, the trial judge may approve it as presented or, upon his own motion or at the instance of the appellee, may direct its amendment by the inclusion of any matters omitted which are deemed essential to the determination of the issue of law or fact involved in the appeal. If the trial judge orders the amendment of the record, the appellant, within the time limited in the order, or such extension thereof as may be

granted, shall redraft the record by including therein, in their proper chronological sequence, such additional matters as the court may have directed him to incorporate, and shall thereupon submit the redrafted record for approval, upon notice to the appellee, in like manner as the original draft. (Art. 7, Regla 41.)

"If the court discovers that the record before it is so incomplete or incorrect that justice requires the same to be completed or corrected, the court may make such order as may be proper and necessary to that effect." (Art. 9, Regla 50.)

Es solamente en el caso de ser incompleta o incorrecta la Pieza de Excepciones que se les presenta, cuando los Juzgados de Primera Instancia pueden ordenar su corrección, ya para completarla o ya para ajustarla a los verdaderos hechos, insertando en la misma lo que se hubiese omitido intencional o involuntariamente, o corrigiendo cualquier error de que adoleciere. No tienen libertad para truncarla ordenando la eliminación de la misma de escritos o hechos que sirven de ayuda para esclarecer o comprender las cuestiones que aquel que apela quiere plantear. Lo único que de la Pieza de Excepciones pueden eliminar, son lo impertinente, redundante e indecoroso (art. 15, Regla 15 de los Nuevos Reglamentos); y no deben prejuzgar lo que las partes o sus abogados y el Tribunal al que la causa va a ser elevada en apelación, puedan decir o resolver sobre la materia. Deben dar al apelante oportunidad de enterar al Tribunal al que apela, de todos los incidentes habidos en el juicio para poder determinar el último si la orden o la decisión apelada está arreglada a derecho o no.

Por las razones expuestas, y siendo el remedio de *mandamus* el adecuado, bajo el artículo 15 de la Regla 41 de los Nuevos Reglamentos de los Tribunales, para obligar a un Juez a aprobar la Pieza de Excepciones o de Apelación que se le presenta, sin que obste a ello, como en el caso que nos ocupa, el hecho de haber presentado el apelante o los apelantes una Pieza de Excepciones Enmendada según la orden del Juzgado, nada más que con el fin de no perder su derecho a apelar, haciendo constar expresamente esta reserva en un escrito formal como el de 1.º de febrero de 1941 de los apelantes, obrante ahora en el presente proceso como anexo "A" a su Réplica a la contestación del Procurador General de 22 de enero de 1941, titulado "MANIFESTATION"; por la presente, revocamos la orden apelada, y ordenamos que el Juez recurrido apruebe la Pieza de Excepciones de los apelantes, en la forma original en que le fué

presentada, pero insertando en la misma el adverbio negativo "no" donde el Juez recurrido quería que se insertase.

Sin costas. Así se ordena.

Avanceña, Pres., Moran, y Horrilleno, MM., están conformes.

Laurel, M., está conforme con la parte dispositiva.

Se revoca la orden.

[No. 47421. Junio 13, 1941]

In re Consulta No. 1370. EL REGISTRADOR DE TÍTULOS DE NUEVA ÉCIJA, peticionario y apelado, *contra* EL DIRECTOR DE TERRENOS, opositor y apelante.

"HOMESTEAD;" VENTA; VALIDEZ.—La cuestión que nos incumbe resolver en esta apelación es si la prohibición contenida en el artículo 116 de la Ley No. 2874, conforme ha sido enmendado por el artículo 23 de la Ley No. 3517, que se hallaba en vigor en las fechas en que se afirmó la patente de *homestead* y se inscribió en la oficina del Registrador de Títulos de Nueva Écija, expidiéndose el Certificado de Título Original No. 3506, alcanza a la venta de la porción del terreno efectuada por los padres y herederos de la concesionaria M. A. El artículo 116, según está enmendado por la Ley No. 3517, alude claramente como punto de partida la fecha de la patente de *homestead* o concesión y no la fecha del certificado de título que se expide por el Registrador de Títulos de conformidad con el artículo 122 de la Ley No. 496.

APELACIÓN contra una resolución del Juzgado de Primera Instancia de Manila. Díaz, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

El Primer Auxiliar Procurador General Sr. Reyes y el Procurador Sr. Torres en representación del apelante.

Nadie compareció en representación del apelado.

PER CURIAM:

El 20 de agosto de 1934 el Gobernador General de Filipinas firmó la Patente de *Homestead* (Homestead Patent) No. 28445 concediendo gratuitamente a María Ariola una parcela de terreno público situada en el Municipio de Rizal, Provincia de Nueva Écija. El 23 de enero de 1936 la patente de *homestead* fué inscrita en la oficina del Registrador de Títulos de la indicada provincia y dicho funcionario expidió el Certificado de Título Original No. 3506. Habiendo fallecido María Ariola, sus padres Isidro Ariola y Genoveva Ledesma heredaron el terreno y el 29 de octubre de 1939 vendieron a Valeriano Dagdagan una por-

ción del mismo. La escritura de venta juntamente con una declaración jurada que justificaba la partición extrajudicial del terreno fueron presentados al Registrador de Títulos para su inscripción. Este funcionario, dudando si la escritura de venta era inscribible, consultó el caso al Juez de la Sala IV del Juzgado de Primera Instancia de Manila quien, después de la vista consiguiente, dictó resolución el 2 de enero de 1940 declarando que la venta era válida y que la escritura que al efecto se otorgó era inscribible de conformidad con la ley. De esta resolución apeló el Director de Terrenos.

La cuestión que nos incumbe resolver en esta apelación es si la prohibición contenida en el artículo 116 de la Ley No. 2874, conforme ha sido enmendado por el artículo 23 de la Ley No. 3517, que se hallaba en vigor en las fechas en que se firmó la patente de *homestead* y se inscribió en la oficina del Registrador de Títulos de Nueva Écija expidiéndose el Certificado de Título Original No. 3506, alcanza a la venta de la porción del terreno efectuada por los padres y herederos de la concesionaria María Ariola. Dicho artículo, así enmendado, se lee como sigue:

"SEC. 116. Except in favor of the Government or any of its branches, units or institutions, or legally constituted banking corporations, lands acquired under the free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations."

El artículo 116 fué reenmendado posteriormente por las Leyes Nos. 141 y 456 del Commonwealth, pero estas enmiendas no son aplicables puesto que entraron en vigor con posterioridad al registro de la patente de *homestead* y la expedición del certificado de título original.

El Primer Procurador General Auxiliar sostiene en su alegato que la prohibición del artículo 116, conforme ha sido enmendado por la Ley No. 3517, alcanza a la venta efectuada por Isidro Ariola y Genoveva Ledesma porque según él la frase "date of issuance of the patent or grant" significa la fecha de la expedición del certificado de título, que en el presente caso viene a ser la fecha de la expedición del Certificado de Título Original No. 3506, y la venta de la porción del terreno tuvo lugar dentro de los 5 años si-

guientes a la expedición del referido certificado de título. La pretensión es insostenible. El artículo 116, según está enmendado por la Ley No. 3517, alude claramente como punto de partida la fecha de la patente de *homestead* o concesión y no la fecha del certificado de título que se expide por el Registrador de Títulos de conformidad con el artículo 122 de la Ley No. 496. Es inmaterial el determinar cuando quedó segregado de los terrenos públicos del Estado el terreno concedido gratuitamente a María Ariola, del mismo modo que es innecesario resolver en esta decisión cuando quedó traspasado el mismo terreno a favor de la concesionaria a tenor de las disposiciones de la Ley de Terrenos Públicos y sus enmiendas. Como se ha dicho, lo único que debe decidirse es desde cuando corren los 5 años de prohibición, y hemos declarado que debe contarse desde la fecha de la expedición de la patente de *homestead* o concesión.

Se confirma la resolución apelada, sin costas.

Así se ordena.

Avanceña, Pres., Díaz, Laurel, Moran, y Horrilleno, MM.,
están conformes.

Se confirma la resolución.

[No. 47734. Junio 13, 1941]

EL BANCO NACIONAL FILIPINO, demandante y apelado,
contra CORNELIO PINEDA Y OTRO, demandados y apelan-
tantes.

HIPOTECAS; EJECUCIÓN; VENTA EN PÚBLICA SUBASTA; PRECIO INADECUADO; FALTA DE PRUEBA.—En esta apelación lo único que debe resolverse es si el precio por el que fueron vendidos los bienes subastados es tan notoriamente exiguo que repugna a la conciencia, como así se afirma por los demandados-apelantes. En vista de que éstos no han substanciado su alegación de que los bienes vendidos en subasta pública valían por lo menos ₱150,000 en dicha fecha, no hay más solución que rechazar el motivo de la oposición a la aprobación de la venta y confirmar la orden apelada. A falta de prueba en contrario no puede concluirse que el precio obtenido sea manifestamente desproporcionado al valor en plaza de los bienes, sobre todo si se tiene en cuenta que el valor por el que fueron hipotecados era solamente ₱47,000 y la deuda garantizada ascendía únicamente a ₱37,000 más sus intereses al 8 por ciento. La diferencia entre ₱47,000 y ₱26,000 no es tan grande ni desproporcionada, ni puede decirse que repugna a la conciencia con tanta más razón cuanto que no se ha insinuado siquiera que se había presentado otro postor ofreciendo mayor precio.

APELACIÓN contra una orden del Juzgado de Primera
Instancia de Manila. Jugo, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Alfonso E. Mendoza en representación de los apelantes.
D. Ramón Diokno en representación del apelado.

PER CURIAM:

En la causa civil No. 49334 del Juzgado de Primera Instancia de Manila la sentencia que se dictó y quedó firme condenó a los demandados a que paguen al demandante la suma de ₱49,103.59, con sus intereses al 8 por ciento al año, más ₱3,000, los honorarios de abogados y las costas; habiéndose ordenado que dichas cantidades fueran pagadas dentro de 90 días y que, en su defecto, se vendan en subasta pública los bienes muebles e inmuebles hipotecados. Después del transcurso del plazo y como los demandados no satisficieron las sumas de dinero expresadas, el demandante pidió que se expidiera mandamiento de ejecución de la sentencia. Ejecutada ésta, el Shériff de la Ciudad de Manila embargó los bienes hipotecados y los vendió en subasta pública al demandante, por haber sido el mejor postor, en la suma de ₱26,000 y al efecto le otorgó la correspondiente escritura. Después de este trámite, el demandante presentó moción al Juzgado solicitando que la mencionada venta sea aprobada. A la moción se opusieron los demandados alegando como único motivo que los bienes hipotecados y vendidos valían por lo menos ₱150,000 en la fecha en que fueron subastados y que el precio de ₱26,000 por el que fueron adjudicados era manifestamente exiguo y repugnante a la conciencia, y pidieron que la venta fuera desaprobada. Después de la vista, en que los demandados no ofrecieron prueba alguna, el Juzgado dictó la orden del 13 de febrero de 1939 aprobando la venta. De esta orden el administrador judicial de Cornelio Pineda, puesto que ya había fallecido, y la codemandada Carmen Gonzales y Dizon apelaron al Tribunal de Apelación, el cual elevó el asunto a este Tribunal Supremo por suscitarse en él solamente cuestiones de derecho, de conformidad con el artículo 145-H del Código Administrativo Revisado, según ha sido enmendado por el artículo 3 de la Ley No. 3 del Commonwealth, en relación con el artículo 138 (6) del mismo cuerpo legal, tal como ha sido reformado por el artículo 2 de la misma ley.

En esta apelación lo único que debe resolverse es si el precio por el que fueron vendidos los bienes subastados es tan notoriamente exiguo que repugna a la conciencia, como así se afirma por los demandados-apelantes. En vista de que éstos no han substanciado su alegación de que los bienes

vendidos en subasta pública valían por lo menos ₱150,000 en dicha fecha, no hay más solución que rechazar el motivo de la oposición a la aprobación de la venta y confirmar la orden apelada. A falta de prueba en contrario no puede concluirse que el precio obtenido sea manifiestamente desproporcionado al valor en plaza de los bienes, sobre todo si se tiene en cuenta que el valor por el que fueron hipotecados era solamente ₱47,000 y la deuda garantizada ascendía únicamente a ₱37,000 más sus intereses al 8 por ciento. La diferencia entre ₱47,000 y ₱26,000 no es tan grande ni desproporcionada, ni puede decirse que repugna a la conciencia con tanta más razón cuanto que no se ha insinuado siquiera que se había presentado otro postor ofreciendo mayor precio.

Se confirma la orden recurrida, con las costas de esta instancia a los demandados-apelantes. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Moran, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47738. Junio 13, 1941]

ALFREDO HIZON MERCADO y MANUEL SANDICO, recurrentes,
contra BUENAVENTURA OCAMPO, Juez de Primera Instancia de Pampanga, ENCARNACIÓN L. DE BALUYOT y JOSEFA V. DE RIVERA, recurridos.

1. JUECES; FACULTAD DE MODIFICAR O ANULAR UNA ORDEN DICTADA POR OTRO JUEZ DEL MISMO JUZGADO.—Se ha sentado como doctrina que un juez que preside una sala de un juzgado de primera instancia puede modificar o anular la orden que ha dictado otro juez del mismo juzgado, sin que por ello se infrinja el principio de coordinación, y que la norma que debe servir de guía debe ser la de si el juez que dictó la primera orden tenía facultad para modificarla o dejarla sin efecto, en cuyo caso el otro juez que la modificó o anuló tener igualmente la misma facultad. Y la razón de la doctrina así sentada consiste sencillamente en que ambos jueces actúan en el mismo juzgado y es el mismo juzgado el que ha modificado o anulado la orden.
2. ID.; ID.; CASO DE AUTOS.—*Se declara:* Que el Juez O tenía jurisdicción para anular las órdenes que dictó el Juez B. A. y que al hacerlo no hizo mal uso de la discreción que le ha conferido la ley porque, según él, las alegaciones de las peticiones de los recurrentes eran insuficientes y la incoación de la causa civil por el administrador especial-recurrente constituía renuncia de su parte y de la del otro recurrente al remedio que concede el artículo 709 del Código de Procedimiento Civil.

JUICIO ORIGINAL en el Tribunal Supremo. *Certiorari.*

Los hechos aparecen relacionados en la decisión del Tribunal.

Sres. Delgado y Tañada en representación de los recurrentes.

D. Claro M. Recto y D. José L. Baltazar en representación de la recurrida Baluyot.

D. José P. Fausto en representación de los otros recurridos.

PER CURIAM:

En la Testamentaría del finado Atilano G. Mercado, Actuación Especial No. 6659 del Juzgado de Primera Instancia de Pampanga, los recurrentes presentaron mociones solicitando que de conformidad con el artículo 709 del Código de Procedimiento Civil fueran citados de comparecencia Encarnación L. de Baluyot y Josefa V. de Rivera para declarar en relación con ciertos bienes del finado que habían obtenido fraudulentamente y sobre ciertos documentos que tenían en su poder que guardaban relación con propiedades del mismo difunto. No habiéndose presentado ninguna oposición, el Juzgado por auto del 16 de abril de 1940 accedió a las mociones y citó a Encarnación L. de Baluyot y Josefa V. de Rivera para que comparecieran, para ser examinadas bajo juramento, el 23 de abril de 1940, a las 8:30 de la mañana. En la indicada fecha, en vez de declarar, las comparecientes, por medio de sus abogados, impugnaron la jurisdicción del Juzgado y alegaron que los hechos que los recurrentes habían expuesto en sus mociones no justificaban el remedio que concedía el artículo 709 al cual se habían acogido. Adujeron, además, que habiendo el recurrente Manuel Sandico, como administrador especial de la testamentaría, entablado acción civil en el mismo Juzgado contra las comparecientes en que pedían la devolución a la testamentaría de la propiedad y posesión de los bienes que se creía continuaban siendo de la propiedad del finado bajo la teoría de que éste los había traspasado fraudulentamente a dichas comparecientes, los recurrentes no podían invocar el remedio concedido por el artículo 709 del Código de Procedimiento Civil porque ya habían renunciado a él. Después de haberse presentado los memorándums que los abogados habían anunciado, el Juez Félix Bautista Ángelo, que presidía entonces una de las salas del Juzgado, en orden del 28 de mayo de 1940 desestimó las objeciones de las comparecientes y mantuvo su orden del 16 de abril del mismo año y transfirió el interrogatorio de las comparecientes para nuevo señalamiento.

vendidos en subasta pública valían por lo menos ₱150,000 en dicha fecha, no hay más solución que rechazar el motivo de la oposición a la aprobación de la venta y confirmar la orden apelada. A falta de prueba en contrario no puede concluirse que el precio obtenido sea manifiestamente desproporcionado al valor en plaza de los bienes, sobre todo si se tiene en cuenta que el valor por el que fueron hipotecados era solamente ₱47,000 y la deuda garantizada ascendía únicamente a ₱37,000 más sus intereses al 8 por ciento. La diferencia entre ₱47,000 y ₱26,000 no es tan grande ni desproporcionada, ni puede decirse que repugna a la conciencia con tanta más razón cuanto que no se ha insinuado siquiera que se había presentado otro postor ofreciendo mayor precio.

Se confirma la orden recurrida, con las costas de esta instancia a los demandados-apelantes. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Moran, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47738. Junio 13, 1941]

ALFREDO HIZON MERCADO y MANUEL SANDICO, recurrentes, *contra* BUENAVENTURA OCAMPO, Juez de Primera Instancia de Pampanga, ENCARNACIÓN L. DE BALUYOT y JOSEFA V. DE RIVERA, recurridos.

1. JUECES; FACULTAD DE MODIFICAR O ANULAR UNA ORDEN DICTADA POR OTRO JUEZ DEL MISMO JUZGADO.—Se ha sentado como doctrina que un juez que preside una sala de un juzgado de primera instancia puede modificar o anular la orden que ha dictado otro juez del mismo juzgado, sin que por ello se infrinja el principio de coordinación, y que la norma que debe servir de guía debe ser la de si el juez que dictó la primera orden tenía facultad para modificarla o dejarla sin efecto, en cuyo caso el otro juez que la modificó o anuló tener igualmente la misma facultad. Y la razón de la doctrina así sentada consiste sencillamente en que ambos jueces actúan en el mismo juzgado y es el mismo juzgado el que ha modificado o anulado la orden.
2. ID.; ID.; CASO DE AUTOS.—*Se declara:* Que el Juez O tenía jurisdicción para anular las órdenes que dictó el Juez B. A. y que al hacerlo no hizo mal uso de la discreción que le ha conferido la ley porque, según él, las alegaciones de las peticiones de los recurrentes eran insuficientes y la incoación de la causa civil por el administrador especial-recurrente constituía renuncia de su parte y de la del otro recurrente al remedio que concede el artículo 709 del Código de Procedimiento Civil.

JUICIO ORIGINAL en el Tribunal Supremo. *Certiorari.*

Los hechos aparecen relacionados en la decisión del Tribunal.

Sres. Delgado y Tañada en representación de los recurrentes.

D. Claro M. Recto y D. José L. Baltazar en representación de la recurrida Baluyot.

D. José P. Fausto en representación de los otros recurridos.

PER CURIAM:

En la Testamentaría del finado Atilano G. Mercado, Actuación Especial No. 6659 del Juzgado de Primera Instancia de Pampanga, los recurrentes presentaron mociones solicitando que de conformidad con el artículo 709 del Código de Procedimiento Civil fueran citados de comparecencia Encarnación L. de Baluyot y Josefa V. de Rivera para declarar en relación con ciertos bienes del finado que habían obtenido fraudulentamente y sobre ciertos documentos que tenían en su poder que guardaban relación con propiedades del mismo difunto. No habiéndose presentado ninguna oposición, el Juzgado por auto del 16 de abril de 1940 accedió a las mociones y citó a Encarnación L. de Baluyot y Josefa V. de Rivera para que comparecieran, para ser examinadas bajo juramento, el 23 de abril de 1940, a las 8:30 de la mañana. En la indicada fecha, en vez de declarar, las comparecientes, por medio de sus abogados, impugnaron la jurisdicción del Juzgado y alegaron que los hechos que los recurrentes habían expuesto en sus mociones no justificaban el remedio que concedía el artículo 709 al cual se habían acogido. Adujeron, además, que habiendo el recurrente Manuel Sandico, como administrador especial de la testamentaría, entablado acción civil en el mismo Juzgado contra las comparecientes en que pedían la devolución a la testamentaría de la propiedad y posesión de los bienes que se creía continuaban siendo de la propiedad del finado bajo la teoría de que éste los había traspasado fraudulentamente a dichas comparecientes, los recurrentes no podían invocar el remedio concedido por el artículo 709 del Código de Procedimiento Civil porque ya habían renunciado a él. Después de haberse presentado los memorándums que los abogados habían anunciado, el Juez Félix Bautista Ángelo, que presidía entonces una de las salas del Juzgado, en orden del 28 de mayo de 1940 desestimó las objeciones de las comparecientes y mantuvo su orden del 16 de abril del mismo año y transfirió el interrogatorio de las comparecientes para nuevo señalamiento.

Las comparecientes, que son las hoy recurridas, presentaron mociones de reconsideración y de nueva vista las cuales fueron ya consideradas por el Juez recurrido, Buenaventura Ocampo, quien había vuelto de su vacación. En resolución dictada el 2 de julio de 1940 el Juez Ocampo reconsideró las órdenes que había promulgado el Juez Bautista Ángel. las dejó sin efecto y declaró que las recurridas no estaban obligadas a prestar declaraciones de conformidad con el artículo 709 del Código de Procedimiento Civil. De esta resolución los recurrentes solicitaron reconsideración y habiéndose denegado la misma interpusieron el recurso de *certiorari* que ahora consideramos.

Los recurrentes sostienen que el Juez recurrido se extralimitó en el ejercicio de su jurisdicción y abusó de su discreción al anular las órdenes que había dictado el Juez Bautista Ángel, invocando lo resuelto en el asunto de *Orais contra Escaño* (14 Jur. Fil., 211), en donde se dijo que los jueces de jurisdicción coordinada no deben anular o dejar sin efecto órdenes dictadas por jueces de igual jurisdicción, a menos que nuevos hechos o condiciones se presenten, y que por regla general un juez no tiene facultad para revisar, sobre los mismos hechos, la decisión de otro juez coordinado, porque el remedio para ello es la apelación. A nuestro juicio, la pretensión de los recurrentes es infundada porque la doctrina enunciada en el asunto citado se ha modificado posteriormente en los asuntos de *Núñez contra Low* (19 Jur. Fil., 256), y *Eleazar contra Zanduetta* (48 Jur. Fil., 204). En estos dos últimos asuntos se ha sentado como doctrina que un juez que preside una sala de un juzgado de primera instancia puede modificar o anular la orden que ha dictado otro juez del mismo juzgado, sin que por ello se infrinja el principio de coordinación, y que la norma que debe servir de guía debe ser la de si el juez que dictó la primera orden tenía facultad para modificarla o dejarla sin efecto, en cuyo caso el otro juez que la modificó o anuló debe tener igualmente la misma facultad. Y la razón de la doctrina así sentada consiste sencillamente en que ambos jueces actúan en el mismo juzgado y es el mismo juzgado el que ha modificado o anulado la orden.

Refiriéndonos ahora al caso en consideración, resulta que el Juez Ocampo, al anular las órdenes del Juez Bautista Ángel, actuaba como Juez del mismo Juzgado de Primera Instancia de Pampanga y apareciendo claro que si las mociones de reconsideración se hubiesen presentado ante el Juez Bautista Ángel éste podía anularlas, si a su juicio así procediese, es obvio que el Juez Ocampo podía hacer lo mismo y podía anularlas, como así lo hizo.

No se trata ahora de decidir cuál de las dos órdenes es

la correcta, la que dictó el Juez Bautista Ángelo o la que suscribió el Juez Ocampo. Lo único que incumbe resolver en este recurso es si el Juez recurrido tenía facultad para anular las órdenes que dictó el Juez Bautista y si al hacerlo así se extralimitó de su jurisdicción o abusó gravemente de su discreción. Declaramos que el Juez Ocampo tenía jurisdicción para anular las órdenes que dictó el Juez Bautista Ángelo y que al hacerlo no hizo mal uso de la discreción que le ha conferido la ley porque, según él, las alegaciones de las peticiones de los recurrentes eran insuficientes y la incoación de la causa civil por el administrador especial-recurrente constituía renuncia de su parte y de la del otro recurrente al remedio que concede el artículo 709 del Código de Procedimiento Civil.

Se deniega la petición de *certiorari*, con las costas a los recurrentes. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Moran, y Horrilleno, MM., están conformes.

Se deniega la petición.

[No. 47799. June 13, 1941]

Administration of the estate of Agripino Neri y Chavez.
ELEUTERIO NERI ET AL., petitioners, *vs.* IGNACIA AKUTIN AND HER CHILDREN, respondents.

1. DESCENT AND DISTRIBUTION; PRETERITION; EFFECT.—Preterition consists in the omission in the testator's will of the forced heirs or anyone of them, either because they are not mentioned therein, or, though mentioned, they are neither instituted as heirs nor are expressly disinherited. (Cf. 6 Manresa, 346.) In the instant case, while the children of the first marriage were mentioned in the will, they were not accorded any share in the hereditary property, without expressly being disinherited. It is, therefore, a clear case of preterition as contended by appellants. The omission of the forced heirs or anyone of them, whether voluntary or involuntary, is a preterition if the purpose to disinherit is not expressly made or is not at least manifest.
2. ID.; ID.; ID.—Except as to "legacies and betterments" which "shall be valid in so far as they are not inofficious" (art. 814 of the Civil Code), preterition avoids the institution of heirs and gives rise to intestate succession. (Art 814, Civil Code; Decisions of the Supreme Court of Spain of June 17, 1908 and February 27, 1909.) In the instant case, no such legacies or betterments have been made by the testator. "Mejoras" or betterments must be expressly provided, according to articles 825 and 828 of the Civil Code, and where no express provision therefor is made in the will, the law would presume that the testator had no intention to that effect. (Cf. 6 Manresa, 479.) In the will here in question, no express betterment is made in favor of the children by the second marriage; neither is there

any legacy expressly made in their behalf consisting of the third available for free disposal. The whole inheritance is accorded the heirs by the second marriage upon the mistaken belief that the heirs by the first marriage have already received their shares. Were it not for this mistake, the testator's intention, as may be clearly inferred from his will, would have been to divide his property equally among all his children.

PETITION for review on certiorari.

The facts are stated in the opinion of the court.

Ozamiz & Capistrano for petitioners.

Gullas, Leuterio, Tanner & Laput for respondents.

MORAN, J.:

Agripino Neri y Chavez, who died on December 12, 1931, had by his first marriage six children named Eleuterio, Agripino, Agapito, Getulia, Rosario and Celerina; and by his second marriage with Ignacia Akutin, five children named Gracia, Godofredo, Violeta, Estela Maria, and Emma. Getulia, daughter in the first marriage, died on October 2, 1923, that is, a little less than eight years before the death of said Agripino Neri y Chavez, and was survived by seven children named Remedios, Encarnación, Carmen, Trinidad, Luz, Alberto and Minda. In Agripino Neri's testament, which was admitted to probate on March 21, 1932, he willed that his children by the first marriage shall have no longer any participation in his estate, as they had already received their corresponding shares during his lifetime. At the hearing for the declaration of heirs, the trial court found, contrary to what the testator had declared in his will, that all his children by the first marriage, except Eleuterio, had not received any advancement of inheritance during his lifetime. And upon this finding it rendered judgment declaring the children by the first and second marriages intestate heirs of the deceased without prejudice to one-half of the improvements introduced in the properties during the existence of the last conjugal partnership, which should belong to Ignacia Akutin. The Court of Appeals affirmed the trial court's decision with the modification that the will was "valid with respect to the two-thirds part which the testator could freely dispose of." This judgment of the Court of Appeals is now sought to be reviewed in this petition for certiorari.

The decisive question here raised is whether, upon the foregoing facts, the omission of the children of the first marriage annuls the institution of the children of the second marriage as sole heirs of the testator, or whether the will may be held valid, at least with respect to one-third

of the estate which the testator may dispose of as legacy and to the other one-third which he may bequeath as betterment, to said children of the second marriage.

The Court of Appeals invoked the provisions of article 851 of the Civil Code, which read in part as follows:

"Disinheritance made without a statement of the cause, or for a cause the truth of which, if contradicted, is not proven, * * * shall annul the institution of the heir in so far as it prejudices the person disinherited; but the legacies, betterments, and other testamentary dispositions, in so far as they do not encroach upon the legitime, shall be valid."

The appellate court thus seemed to have rested its judgment upon the impression that the testator had intended to disinherit, though ineffectively, the children of the first marriage. There is nothing in the will that supports this conclusion. True, the testator expressly denied them any share in his estate; but the denial was predicated, not upon the desire to disinherit, but upon the belief, mistaken though it was, that the children by the first marriage had already received more than their corresponding shares in his lifetime in the form of advancement. Such belief conclusively negatives all inference as to any intention to disinherit, unless his statement to that effect is proved to be deliberately fictitious, a fact not found by the Court of Appeals. The situation contemplated in the above provision is one in which the purpose to disinherit is clear, but upon a cause not stated or not proved, a situation which does not obtain in the instant case.

The Court of Appeals quotes Manresa thus:

"En el terreno de los principios, la solución más justa del problema que hemos hecho notar al comentar el artículo, sería distinguir el caso en que el heredero omitido viviese al otorgarse el testamento, siendo conocida su existencia por el testador, de aquél en que, o naciese después, o se ignorase su existencia, aplicando en el primer caso la doctrina del artículo 851, y en el segundo la del 814." (6 Manresa, 354-355.)

But it must be observed that this opinion is founded on mere principles (en el terreno de los principios) and not on the express provisions of the law. Manresa himself admits that according to law, "no existe hoy cuestión alguna en esta materia: la preterición produce siempre los mismos efectos, ya se refiera a personas vivas al hacer el testamento o nacidas después. Este último grupo sólo puede hacer relación a los descendientes legítimos, siempre que además tengan derecho a legítima." (6 Manresa, 381.)

Appellants, on the other hand, maintain that the case is one of voluntary preterition of four of the children by the first marriage, and of involuntary preterition of the children by the deceased Getulia, also of the first marriage, and is thus governed by the provisions of article 814 of the Civil Code, which read in part as follows:

"The preterition of one or all of the forced heirs in the direct line, whether living at the time of the execution of the will or born after the death of the testator, shall void the institution of heir; but the legacies and betterments shall be valid, in so far as they are not inofficious."

Preterition consists in the omission in the testator's will of the forced heirs or anyone of them, either because they are not mentioned therein, or, though mentioned, they are neither instituted as heirs nor are expressly disinherited. (Cf. 6 Manresa, 346.) In the instant case, while the children of the first marriage were mentioned in the will, they were not accorded any share in the hereditary property, without expressly being disinherited. It is, therefore, a clear case of preterition as contended by appellants. The omission of the forced heirs or anyone of them, whether voluntary or involuntary, is a preterition if the purpose to disinherit is not expressly made or is not at least manifest.

Except as to "legacies and betterments" which "shall be valid in so far as they are not inofficious" (art. 814 of the Civil Code), preterition avoids the institution of heirs and gives rise to intestate succession. (Art. 814, Civil Code; Decisions of the Supreme Court of Spain of June 17, 1908 and February 27, 1909.) In the instant case, no such legacies or betterments have been made by the testator. "Mejoras" or betterments must be expressly provided, according to articles 825 and 828 of the Civil Code, and where no express provision therefor is made in the will, the law would presume that the testator had no intention to that effect. (Cf. 6 Manresa, 479.) In the will here in question, no express betterment is made in favor of the children by the second marriage; neither is there any legacy expressly made in their behalf consisting of the third available for free disposal. The whole inheritance is accorded the heirs by the second marriage upon the mistaken belief that the heirs by the first marriage have already received their shares. Were it not for this mistake, the testator's intention, as may be clearly inferred from his will, would have been to divide his property equally among all his children.

Judgment of the Court of Appeals is reversed and that

of the trial court affirmed, without prejudice to the widow's legal usufruct, with costs against respondents.

*Avanceña, C. J., Díaz, Laurel, and Horrilleno, JJ., concur.
Judgment reversed.*

[No. 47965. Junio 13, 1941]

EL DIRECTOR DE TERRENOS, solicitante, *contra* MARIANO ABACAHIN Y OTRO, reclamantes; ANA UMBAO DE CARPIO, mocionante y apelada; FILOMENA RUEDAS DE UMBAO, opositora y apelante.

1. REGISTRO DE TERRENOS; POSESIÓN DEL CERTIFICADO DE TÍTULO.—Hallándose admitido que el decreto final que se dictó en el expediente catastral el 28 de mayo de 1936, en relación con el lote No. 778, fué a favor de A. U. y que el duplicado para el dueño del Certificado de Título Original No. 698 se expidió por el Registrador de Títulos a favor de la misma, es obvio que quién tiene derecho a poseer el certificado de título es ella y no la apelante (art. 41 de la Ley No. 496, tal como ha sido reformado).
2. ID.; ID.; EXPEDICIÓN DEL DUPLICADO DEL TÍTULO.—Según el artículo 41 de la Ley No. 496, conforme ha sido enmendado, el duplicado para el dueño debe expedirse por el Registrador a nombre de la persona a cuyo favor se ha decretado el terreno y dispone, además, que dicho duplicado debe entregársele al dueño inscrito. Si la apelante cree que tiene derecho a participar en el lote No. 778, como coheredera, debe ejercitar una acción independiente, encaminada a obtener su participación.

APELACIÓN contra una orden del Juzgado de Primera Instancia de Surigao. Varela, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Eusebio Tiongko en representación de la apelante.

D. Perfecto L. Cagampang en representación de la apelada.

Nadie compareció en representación de las otras partes.

PER CURIAM:

En el expediente catastral No. 16 de Surigao, Ana Umbao de Carpio presentó una moción pidiendo que el Juzgado ordene al Registrador de Títulos que le expida nuevo duplicado para el dueño del Certificado de Título Original No. 698 correspondiente al lote catastral No. 778, alegando como motivo que el que se había expedido previamente se había extraviado. A la moción se opuso Filomena Ruedas de Umbao alegando que el duplicado para el dueño del Certificado de Título Original No. 698 no se había extraviado, sino que se hallaba en su poder, y que Ana Umbao no era

la única dueña del terreno a que se refería el título porque el mismo pertenecía en comunidad a ella, a su hermana Rosario Umbao de Tionko y a la opositora Filomena Ruedas de Umbao, conforme se había decretado por el Juzgado de Primera Instancia de Surigao que había entendido del Intestado del finado Petronilo Umbao, actuación especial No. 1342. En vista de la oposición y admisión de Filomena, Ana presentó otra moción, que enmendó la anterior, solicitando que Filomena sea requerida de comparecencia y obligada a entregarla el mencionado duplicado. Después de la vista, el Juzgado dictó la orden del 8 de junio de 1939 obligando a Filomena que haga entrega a Ana del referido documento. Filomena apeló de esta orden.

Como acertadamente dijo el Juzgado, lo único que se suscita es si Ana Umbao de Carpio tiene derecho a la posesión del duplicado para el dueño del Certificado de Título Original No. 698, con preferencia a la opositora-apelante. A nuestro juicio, la solución es clara e ineludible. Hallándose admitido que el decreto final que se dictó en el expediente catastral el 28 de mayo de 1936, en relación con el lote No. 778, fué a favor de Ana Umbao y que el duplicado para el dueño del Certificado de Título Original No. 698 se expidió por el Registrador de Títulos a favor de la misma, es obvio que quién tiene derecho a poseer el certificado de título es ella y no la apelante (art. 41 de la Ley No. 496, tal como ha sido reformado).

Alega la apelante que ella tiene tanto derecho como la apelada a poseer el título porque el terreno a que se refiere es de la propiedad de las tres hermanas. La pretensión no es meritoria. Según el artículo 41 de la Ley No. 496, conforme ha sido enmendado, el duplicado para el dueño debe expedirse por el Registrador a nombre de la persona a cuyo favor se ha decretado el terreno y dispone, además, que dicho duplicado debe entregársele al dueño inscrito. Si la apelante cree que tiene derecho a participar en el lote No. 778, como coheredera, debe ejercitar una acción independiente, encaminada a obtener su participación.

Sostiene, por último, la apelante que el procedimiento seguido por la apelada no es el propio porque debió haber entablado una acción ordinaria para recobrar el certificado de título. La cuestión suscitada por la segunda moción que presentó la apelada era mero incidente en el expediente catastral, como tal, podía promoverse mediante una moción sin necesidad de iniciar juicio ordinario y separado.

Se confirma la orden recurrida, con las costas a la apelante, sin perjuicio de que ésta pueda entablar la acción que crea apropiada para hacer valer su alegada participa-

ción en el lote No. 778 y su cualidad de coheredera. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Morán, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47072. Junio 17, 1941]

EL DIRECTOR DE TERRENOS, solicitante, *contra* AGUSTÍN ACOSTA Y OTROS, reclamantes; ADELA RIVERA y ASTURIAS SUGAR CENTRAL, INC., recurrentes y apelantes; ROSA GAYOSO Y OTROS, recurridos y apelados.

1. ORDEN INTERLOCUTORIA; APELACIÓN.—La orden del Juzgado de la cual apelaron Asturias Sugar Central, Inc. y Adela Rivera, no es por su naturaleza apelable, por ser interlocutoria y por no tener más fin que el de dar cumplimiento a la decisión y sentencia ya firmes, de este Tribunal, dictadas en la mencionada causa R. G. No. 42374.
2. EXPEDIENTE DE CATASTRO; CARÁCTER DE LAS ACTUACIONES; NOTIFICACIÓN DE LA MOCIÓN DE REVISIÓN.—Siendo de carácter *in rem* las actuaciones habidas en el Expediente de Catastro No. 61 de Iloilo, no era absolutamente necesario que la apelante A. R. fuese notificada de la moción de revisión de los apelados que fué resuelta a favor de éstos por este Tribunal, porque su esposo lo fué, y es de notar que en la decisión original, o sea aquella en cuya virtud fueron expedidos los decretos y certificados de título Nos. 44921 y 44931, no se ha dicho que los bienes de que se trata son parafernales de A. R., sino por el contrario, se puede inferir de sus términos, que son gananciales de ella y de su esposo V. G.

APELACIÓN contra una orden del Juzgado de Primera Instancia de Iloilo. Sebastián, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Felipe Ysmael en representación de la apelante Asturias Sugar Central, Inc.

D. Manuel F. Zamora en representación de la apelante Rivera.

D. Thos. N. Powell en representación de los apelados.

Nadie compareció en representación de las otras partes.

DÍAZ, M.:

En el Expediente de Catastro No. 61 de la Provincia de Iloilo (G. L. R. O. Cadastral Record No. 1045), el Juzgado de dicha provincia declaró en su decisión de 28 de noviembre de 1930, que las parcelas allí descritas como lotes Nos. 1865 y 2011 son de la propiedad de los esposos Victoriano Gayoso y Adela Rivera, en partes iguales, pero sujetas a los términos de dos escrituras que se otorgaron a favor de

la única dueña del terreno a que se refería el título porque el mismo pertenecía en comunidad a ella, a su hermana Rosario Umbao de Tionko y a la opositora Filomena Ruedas de Umbao, conforme se había decretado por el Juzgado de Primera Instancia de Surigao que había entendido del Intestado del finado Petronilo Umbao, actuación especial No. 1342. En vista de la oposición y admisión de Filomena, Ana presentó otra moción, que enmendó la anterior, solicitando que Filomena sea requerida de comparecencia y obligada a entregarla el mencionado duplicado. Después de la vista, el Juzgado dictó la orden del 8 de junio de 1939 obligando a Filomena que haga entrega a Ana del referido documento. Filomena apeló de esta orden.

Como acertadamente dijo el Juzgado, lo único que se suscita es si Ana Umbao de Carpio tiene derecho a la posesión del duplicado para el dueño del Certificado de Título Original No. 698, con preferencia a la opositora-apelante. A nuestro juicio, la solución es clara e ineludible. Hallándose admitido que el decreto final que se dictó en el expediente catastral el 28 de mayo de 1936, en relación con el lote No. 778, fué a favor de Ana Umbao y que el duplicado para el dueño del Certificado de Título Original No. 698 se expidió por el Registrador de Títulos a favor de la misma, es obvio que quién tiene derecho a poseer el certificado de título es ella y no la apelante (art. 41 de la Ley No. 496, tal como ha sido reformado).

Alega la apelante que ella tiene tanto derecho como la apelada a poseer el título porque el terreno a que se refiere es de la propiedad de las tres hermanas. La pretensión no es meritoria. Según el artículo 41 de la Ley No. 496, conforme ha sido enmendado, el duplicado para el dueño debe expedirse por el Registrador a nombre de la persona a cuyo favor se ha decretado el terreno y dispone, además, que dicho duplicado debe entregársele al dueño inscrito. Si la apelante cree que tiene derecho a participar en el lote No. 778, como coheredera, debe ejercitar una acción independiente, encaminada a obtener su participación.

Sostiene, por último, la apelante que el procedimiento seguido por la apelada no es el propio porque debió haber entablado una acción ordinaria para recobrar el certificado de título. La cuestión suscitada por la segunda moción que presentó la apelada era mero incidente en el expediente catastral, como tal, podía promoverse mediante una moción sin necesidad de iniciar juicio ordinario y separado.

Se confirma la orden recurrida, con las costas a la apelante, sin perjuicio de que ésta pueda entablar la acción que crea apropiada para hacer valer su alegada participa-

ción en el lote No. 778 y su cualidad de coheredera. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Morán, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47072. Junio 17, 1941]

EL DIRECTOR DE TERRENOS, solicitante, *contra* AGUSTÍN ACOSTA Y OTROS, reclamantes; ADELA RIVERA y ASTURIAS SUGAR CENTRAL, INC., recurrentes y apelantes; ROSA GAYOSO Y OTROS, recurridos y apelados.

1. ORDEN INTERLOCUTORIA; APELACIÓN.—La orden del Juzgado de la cual apelaron Asturias Sugar Central, Inc. y Adela Rivera, no es por su naturaleza apelable, por ser interlocutoria y por no tener más fin que el de dar cumplimiento a la decisión y sentencia ya firmes, de este Tribunal, dictadas en la mencionada causa R. G. No. 42374.
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APELACIÓN *contra* una orden del Juzgado de Primera Instancia de Iloilo. Sebastián, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Felipe Ysmael en representación de la apelante Asturias Sugar Central, Inc.

D. Manuel F. Zamora en representación de la apelante Rivera.

D. Thos. N. Powell en representación de los apelados.

Nadie compareció en representación de las otras partes.

DÍAZ, M.:

En el Expediente de Catastro No. 61 de la Provincia de Iloilo (G. L. R. O. Cadastral Record No. 1045), el Juzgado de dicha provincia declaró en su decisión de 28 de noviembre de 1930, que las parcelas allí descritas como lotes Nos. 1865 y 2011 son de la propiedad de los esposos Victoriano Gayoso y Adela Rivera, en partes iguales, pero sujetas a los términos de dos escrituras que se otorgaron a favor de

la única dueña del terreno a que se refería el título porque el mismo pertenecía en comunidad a ella, a su hermana Rosario Umbao de Tionko y a la opositora Filomena Ruedas de Umbao, conforme se había decretado por el Juzgado de Primera Instancia de Surigao que había entendido del Intestado del finado Petronilo Umbao, actuación especial No. 1342. En vista de la oposición y admisión de Filomena, Ana presentó otra moción, que enmendó la anterior, solicitando que Filomena sea requerida de comparecencia y obligada a entregarla el mencionado duplicado. Después de la vista, el Juzgado dictó la orden del 8 de junio de 1939 obligando a Filomena que haga entrega a Ana del referido documento. Filomena apeló de esta orden.

Como acertadamente dijo el Juzgado, lo único que se suscita es si Ana Umbao de Carpio tiene derecho a la posesión del duplicado para el dueño del Certificado de Título Original No. 698, con preferencia a la opositora-apelante. A nuestro juicio, la solución es clara e ineludible. Hallándose admitido que el decreto final que se dictó en el expediente catastral el 28 de mayo de 1936, en relación con el lote No. 778, fué a favor de Ana Umbao y que el duplicado para el dueño del Certificado de Título Original No. 698 se expidió por el Registrador de Títulos a favor de la misma, es obvio que quién tiene derecho a poseer el certificado de título es ella y no la apelante (art. 41 de la Ley No. 496, tal como ha sido reformado).

Alega la apelante que ella tiene tanto derecho como la apelada a poseer el título porque el terreno a que se refiere es de la propiedad de las tres hermanas. La pretensión no es meritoria. Según el artículo 41 de la Ley No. 496, conforme ha sido enmendado, el duplicado para el dueño debe expedirse por el Registrador a nombre de la persona a cuyo favor se ha decretado el terreno y dispone, además, que dicho duplicado debe entregársele al dueño inscrito. Si la apelante cree que tiene derecho a participar en el lote No. 778, como coheredera, debe ejercitar una acción independiente, encaminada a obtener su participación.

Sostiene, por último, la apelante que el procedimiento seguido por la apelada no es el propio porque debió haber entablado una acción ordinaria para recobrar el certificado de título. La cuestión suscitada por la segunda moción que presentó la apelada era mero incidente en el expediente catastral, como tal, podía promoverse mediante una moción sin necesidad de iniciar juicio ordinario y separado.

Se confirma la orden recurrida, con las costas a la apelante, sin perjuicio de que ésta pueda entablar la acción que crea apropiada para hacer valer su alegada participa-

ción en el lote No. 778 y su cualidad de coheredera. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Morán, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47072. Junio 17, 1941]

EL DIRECTOR DE TERRENOS, solicitante, *contra* AGUSTÍN ACOSTA Y OTROS, reclamantes; ADELA RIVERA y ASTURIAS SUGAR CENTRAL, INC., recurrentes y apelantes; ROSA GAYOSO Y OTROS, recurridos y apelados.

1. ORDEN INTERLOCUTORIA; APELACIÓN.—La orden del Juzgado de la cual apelaron Asturias Sugar Central, Inc. y Adela Rivera, no es por su naturaleza apelable, por ser interlocutoria y por no tener más fin que el de dar cumplimiento a la decisión y sentencia ya firmes, de este Tribunal, dictadas en la mencionada causa R. G. No. 42374.
2. EXPEDIENTE DE CATASTRO; CARÁCTER DE LAS ACTUACIONES; NOTIFICACIÓN DE LA MOCIÓN DE REVISIÓN.—Siendo de carácter *in rem* las actuaciones habidas en el Expediente de Catastro No. 61 de Iloílo, no era absolutamente necesario que la apelante A. R. fuese notificada de la moción de revisión de los apelados que fué resuelta a favor de éstos por este Tribunal, porque su esposo lo fué, y es de notar que en la decisión original, o sea aquella en cuya virtud fueron expedidos los decretos y certificados de título Nos. 44921 y 44931, no se ha dicho que los bienes de que se trata son parafernales de A. R., sino por el contrario, se puede inferir de sus términos, que son gananciales de ella y de su esposo V. G.

APELACIÓN contra una orden del Juzgado de Primera Instancia de Iloílo. Sebastián, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Felipe Ysmael en representación de la apelante Asturias Sugar Central, Inc.

D. Manuel F. Zamora en representación de la apelante Rivera.

D. Thos. N. Powell en representación de los apelados.

Nadie compareció en representación de las otras partes.

DÍAZ, M.:

En el Expediente de Catastro No. 61 de la Provincia de Iloílo (G. L. R. O. Cadastral Record No. 1045), el Juzgado de dicha provincia declaró en su decisión de 28 de noviembre de 1930, que las parcelas allí descritas como lotes Nos. 1865 y 2011 son de la propiedad de los esposos Victoriano Gayoso y Adela Rivera, en partes iguales, pero sujetas a los términos de dos escrituras que se otorgaron a favor de

Asturias Sugar Central, Inc., una que es de hipoteca, para garantizar el pago de la cantidad de ₱50,000. y otra que es de molienda en la central de dicha corporación, de las cañas que se recogieren de las mismas en treinta zafras consecutivas; y que las parcelas descritas también en dicho expediente como lotes Nos. 1867, 1996, 3478, 2031, 3477, 2090 y 3552 son de la propiedad exclusiva del referido Victoriano Gayoso, pero sujetas igualmente las tres primeras a los mismos gravámenes que pesan sobre las dos mencionadas parcelas 1865 y 2011. En cuanto quedó firme la decisión, expedieron los decretos correspondientes, y más tarde, los certificados de título, siendo estos los siguientes:

Certificado de Título No. 44921 para la parcela 1865,
Certificado de Título No. 44931 para la parcela 2011,
Certificado de Título No. 44922 para la parcela 1867,
Certificado de Título No. 44928 para la parcela 1996,
Certificado de Título No. 44939 para la parcela 3478,
Certificado de Título No. 44932 para la parcela 2031,
Certificado de Título No. 44938 para la parcela 3477,
Certificado de Título No. 44933 para la parcela 2090,
y Certificado de Título No. 44942 para la parcela 3552.

Antes de la expiración de un año desde la expedición de los referidos decretos, los apelados pidieron la revisión de los mismos, de conformidad con las disposiciones del artículo 38 de la Ley No. 496, según quedó enmendado por la Ley No. 3630; pero, el Juzgado decidió denegarles la petición. De la decisión que así les denegaba aquella, los ahora apelados, es decir, Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso interpusieron apelación, y este Tribunal, después de un detenido estudio de todos los hechos y de todas las cuestiones que las partes presentaron, revocó el 13 de mayo de 1938, en la causa R. G. No. 42374, la decisión apelada, y ordenó que las parcelas 1865, 2011, 1867, 1996 y 3478 se inscriban en el Registro de Títulos a nombre de dichos apelados, pero sujetas todas a la hipoteca de Asturias Sugar Central, Inc., para responder del pago de la obligación de ₱50,000 expresada en los certificados de título Nos. 44921, 44931, 44922, 44928 y 44939; y ordenó asimismo que estos certificados sean cancelados para expedirse otros en su lugar a nombre de los referidos apelados. Devuelta la causa R. G. No. 42374 al Juzgado de Primera Instancia de Iloilo, los allí apelantes que son los aquí apelados, pidieron y obtuvieron de dicho Juzgado que, en cumplimiento de lo mandado por este Tribunal en su decisión, ordenase, como en efecto ordenó, al Registrador de Títulos que cancele los aludidos certificados

Nos. 44921, 44931, 44922, 44928 y 44939, para expedir otros en su lugar a nombre de los apelados Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso, pero, con el gravamen de una hipoteca de ₱50,000 a favor de Asturias Sugar Central, Inc., y con el de la molienda de las cañas que se produjeren en treinta zafras consecutivas en los terrenos a que se refieren, en los mismos términos y bajo las mismas condiciones expresadas en los que iban a ser cancelados; y pidieron asimismo que, en cuanto los nuevos certificados se hubiesen preparado, se entregasen para su resguardo a la Asturias Sugar Central, Inc. Contra esta orden del Juzgado, interpusieron excepción Adela Rivera y Asturias Sugar Central, Inc., las ahora apelantes, y pidieron al propio tiempo la reconsideración de la misma para dejarla sin efecto en cuanto a la parte de ella que dispone la cancelación en su totalidad de los dos certificados de título Nos. 44921 y 44931, diciendo que debieran mantenerse dichos certificados en cuanto a la mitad de los terrenos a que se refieren, porque dicha mitad pertenece a la primera, es decir, Adela Rivera; y pidieron además que el Registrador de Títulos de Iloílo sea ordenado a devolver aquéllos, al Juzgado, en vez de cancelarlos, mientras no quede resuelto en definitiva el incidente que han promovido. No prosperó su petición porque el Juzgado la denegó; por lo que apelaron de su orden para ante este Tribunal, alegando en su alegato presentado en esta instancia que incurrió en los errores que en el mismo apuntan.

La cuestión, como se ve, se reduce a determinar si deben ser cancelados enteramente los certificados de título Nos. 44921 y 44931, que cubren respectivamente los lotes Nos. 1865 y 2011 del Expediente de Catastro No. 61 de la provincia de Iloílo, de la mitad de los cuales la apelante Adela Rivera dice ser dueña porque en los mismos se dice que pertenecen a ella y a su esposo Victoriano Gayoso, sujetos sin embargo, juntamente con otros siete lotes a los gravámenes que ya se han mencionado, para expedirse después, otros en su lugar, a favor de los apelados. Esta cuestión ha sido resuelta directamente en la aludida causa R. G. No. 42374, habiéndose declarado en la parte dispositiva de la decisión de este Tribunal allí dictada, lo que sigue:

“En conclusión, somos de opinión que por una suficiente preponderancia de pruebas, se ha establecido que los mencionados son los propietarios de los lotes arriba mencionados y que Victoriano Gayoso fraudulentamente consiguió el registro de los mismos a su favor, alegando falsamente ser propietario de ellos cuando en realidad no era más que simple encargado de los mismos.

Asturias Sugar Central, Inc., una que es de hipoteca, para garantizar el pago de la cantidad de ₱50,000, y otra que es de molienda en la central de dicha corporación, de las cañas que se recogieren de las mismas en treinta zafras consecutivas; y que las parcelas descritas también en dicho expediente como lotes Nos. 1867, 1996, 3478, 2031, 3477, 2090 y 3552 son de la propiedad exclusiva del referido Victoriano Gayoso, pero sujetas igualmente las tres primeras a los mismos gravámenes que pesan sobre las dos mencionadas parcelas 1865 y 2011. En cuanto quedó firme la decisión, expediéronse los decretos correspondientes, y más tarde, los certificados de título, siendo estos los siguientes:

Certificado de Título No. 44921 para la parcela 1865,
Certificado de Título No. 44931 para la parcela 2011,
Certificado de Título No. 44922 para la parcela 1867,
Certificado de Título No. 44928 para la parcela 1996,
Certificado de Título No. 44939 para la parcela 3478,
Certificado de Título No. 44932 para la parcela 2031,
Certificado de Título No. 44938 para la parcela 3477,
Certificado de Título No. 44933 para la parcela 2090,
y Certificado de Título No. 44942 para la parcela 3552.

Antes de la expiración de un año desde la expedición de los referidos decretos, los apelados pidieron la revisión de los mismos, de conformidad con las disposiciones del artículo 38 de la Ley No. 496, según quedó enmendado por la Ley No. 3630; pero, el Juzgado decidió denegarles la petición. De la decisión que así les denegaba aquella, los ahora apelados, es decir, Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso interpusieron apelación, y este Tribunal, después de un detenido estudio de todos los hechos y de todas las cuestiones que las partes presentaron, revocó el 13 de mayo de 1938, en la causa R. G. No. 42374, la decisión apelada, y ordenó que las parcelas 1865, 2011, 1867, 1996 y 3478 se inscriban en el Registro de Títulos a nombre de dichos apelados, pero sujetas todas a la hipoteca de Asturias Sugar Central, Inc., para responder del pago de la obligación de ₱50,000 expresada en los certificados de título Nos. 44921, 44931, 44922, 44928 y 44939; y ordenó asimismo que estos certificados sean cancelados para expedirse otros en su lugar a nombre de los referidos apelados. Devuelta la causa R. G. No. 42374 al Juzgado de Primera Instancia de Iloílo, los allí apelantes que son los aquí apelados, pidieron y obtuvieron de dicho Juzgado que, en cumplimiento de lo mandado por este Tribunal en su decisión, ordenase, como en efecto ordenó, al Registrador de Títulos que cancele los aludidos certificados

Nos. 44921, 44931, 44922, 44928 y 44939, para expedir otros en su lugar a nombre de los apelados Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso, pero, con el gravamen de una hipoteca de ₡50,000 a favor de Asturias Sugar Central, Inc., y con el de la mollienda de las cañas que se produjeren en treinta zafras consecutivas en los terrenos a que se refieren, en los mismos términos y bajo las mismas condiciones expresadas en los que iban a ser cancelados; y pidieron asimismo que, en cuanto los nuevos certificados se hubiesen preparado, se entregasen para su resguardo a la Asturias Sugar Central, Inc. Contra esta orden del Juzgado, interpusieron excepción Adela Rivera y Asturias Sugar Central, Inc., las ahora apelantes, y pidieron al propio tiempo la reconsideración de la misma para dejarla sin efecto en cuanto a la parte de ella que dispone la cancelación en su totalidad de los dos certificados de título Nos. 44921 y 44931, diciendo que debieran mantenerse dichos certificados en cuanto a la mitad de los terrenos a que se refieren, porque dicha mitad pertenece a la primera, es decir, Adela Rivera; y pidieron además que el Registrador de Títulos de Iloílo sea ordenado a devolver aquéllos, al Juzgado, es vez de cancelarlos, mientras no quede resuelto en definitiva el incidente que han promovido. No prosperó su petición porque el Juzgado la denegó; por lo que apelaron de su orden para ante este Tribunal, alegando en su alegato presentado en esta instancia que incurrió en los errores que en el mismo apuntan.

La cuestión, como se ve, se reduce a determinar si deben ser cancelados enteramente los certificados de título Nos. 44921 y 44931, que cubren respectivamente los lotes Nos. 1865 y 2011 del Expediente de Catastro No. 61 de la provincia de Iloílo, de la mitad de los cuales la apelante Adela Rivera dice ser dueña porque en los mismos se dice que pertenecen a ella y a su esposo Victoriano Gayoso, sujetos sin embargo, juntamente con otros siete lotes a los gravámenes que ya se han mencionado, para expedirse después, otros en su lugar, a favor de los apelados. Esta cuestión ha sido resuelta directamente en la aludida causa R. G. No. 42374, habiéndose declarado en la parte dispositiva de la decisión de este Tribunal allí dictada, lo que sigue:

“En conclusión, somos de opinión que por una suficiente preponderancia de pruebas, se ha establecido que los mocionantes son los propietarios de los lotes arriba mencionados y que Victoriano Gayoso fraudulentamente consiguió el registro de los mismos a su favor, alegando falsamente ser propietario de ellos cuando en realidad no era más que simple encargado de los mismos.

Asturias Sugar Central, Inc., una que es de hipoteca, para garantizar el pago de la cantidad de ₱50,000, y otra que es de molienda en la central de dicha corporación, de las cañas que se recogieren de las mismas en treinta zafras consecutivas; y que las parcelas descritas también en dicho expediente como lotes Nos. 1867, 1996, 3478, 2031, 3477, 2090 y 3552 son de la propiedad exclusiva del referido Victoriano Gayoso, pero sujetas igualmente las tres primeras a los mismos gravámenes que pesan sobre las dos mencionadas parcelas 1865 y 2011. En cuanto quedó firme la decisión, expediéronse los decretos correspondientes, y más tarde, los certificados de título, siendo estos los siguientes:

Certificado de Título No. 44921 para la parcela 1865,
Certificado de Título No. 44931 para la parcela 2011,
Certificado de Título No. 44922 para la parcela 1867,
Certificado de Título No. 44928 para la parcela 1996,
Certificado de Título No. 44939 para la parcela 3478,
Certificado de Título No. 44932 para la parcela 2031,
Certificado de Título No. 44938 para la parcela 3477,
Certificado de Título No. 44933 para la parcela 2090,
y Certificado de Título No. 44942 para la parcela 3552.

Antes de la expiración de un año desde la expedición de los referidos decretos, los apelados pidieron la revisión de los mismos, de conformidad con las disposiciones del artículo 38 de la Ley No. 496, según quedó enmendado por la Ley No. 3630; pero, el Juzgado decidió denegarles la petición. De la decisión que así les denegaba aquella, los ahora apelados, es decir, Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso interpusieron apelación, y este Tribunal, después de un detenido estudio de todos los hechos y de todas las cuestiones que las partes presentaron, revocó el 13 de mayo de 1938, en la causa R. G. No. 42374, la decisión apelada, y ordenó que las parcelas 1865, 2011, 1867, 1996 y 3478 se inscriban en el Registro de Títulos a nombre de dichos apelados, pero sujetas todas a la hipoteca de Asturias Sugar Central, Inc., para responder del pago de la obligación de ₱50,000 expresada en los certificados de título Nos. 44921, 44931, 44922, 44928 y 44939; y ordenó asimismo que estos certificados sean cancelados para expedirse otros en su lugar a nombre de los referidos apelados. Devuelta la causa R. G. No. 42374 al Juzgado de Primera Instancia de Iloilo, los allí apelantes que son los aquí apelados, pidieron y obtuvieron de dicho Juzgado que, en cumplimiento de lo mandado por este Tribunal en su decisión, ordenase, como en efecto ordenó, al Registrador de Títulos que cancele los aludidos certificados

Nos. 44921, 44931, 44922, 44928 y 44939, para expedir otros en su lugar a nombre de los apelados Rosa Gayoso, Félix Gayoso, José Gayoso, Carlos Gayoso, Florencia Gayoso, Carolina Gayoso, Enrique Gayoso y María Luisa Gayoso, pero, con el gravamen de una hipoteca de ₱50,000 a favor de Asturias Sugar Central, Inc., y con el de la molienda de las cañas que se produjeren en treinta zafras consecutivas en los terrenos a que se refieren, en los mismos términos y bajo las mismas condiciones expresadas en los que iban a ser cancelados; y pidieron asimismo que, en cuanto los nuevos certificados se hubiesen preparado, se entregasen para su resguardo a la Asturias Sugar Central, Inc. Contra esta orden del Juzgado, interpusieron excepción Adela Rivera y Asturias Sugar Central, Inc., las ahora apelantes, y pidieron al propio tiempo la reconsideración de la misma para dejarla sin efecto en cuanto a la parte de ella que dispone la cancelación en su totalidad de los dos certificados de título Nos. 44921 y 44931, diciendo que debieran mantenerse dichos certificados en cuanto a la mitad de los terrenos a que se refieren, porque dicha mitad pertenece a la primera, es decir, Adela Rivera; y pidieron además que el Registrador de Títulos de Iloilo sea ordenado a devolver aquéllos, al Juzgado, es vez de cancelarlos, mientras no quede resuelto en definitiva el incidente que han promovido. No prosperó su petición porque el Juzgado la denegó; por lo que apelaron de su orden para ante este Tribunal, alegando en su alegato presentado en esta instancia que incurrió en los errores que en el mismo apuntan.

La cuestión, como se ve, se reduce a determinar si deben ser cancelados enteramente los certificados de título Nos. 44921 y 44931, que cubren respectivamente los lotes Nos. 1865 y 2011 del Expediente de Catastro No. 61 de la provincia de Iloilo, de la mitad de los cuales la apelante Adela Rivera dice ser dueña porque en los mismos se dice que pertenecen a ella y a su esposo Victoriano Gayoso, sujetos sin embargo, juntamente con otros siete lotes a los gravámenes que ya se han mencionado, para expedirse después, otros en su lugar, a favor de los apelados. Esta cuestión ha sido resuelta directamente en la aludida causa R. G. No. 42374, habiéndose declarado en la parte dispositiva de la decisión de este Tribunal allí dictada, lo que sigue:

“En conclusión, somos de opinión que por una suficiente preponderancia de pruebas, se ha establecido que los mocionantes son los propietarios de los lotes arriba mencionados y que Victoriano Gayoso fraudulentamente consiguió el registro de los mismos a su favor, alegando falsamente ser propietario de ellos cuando en realidad no era más que simple encargado de los mismos.

“En cuanto al derecho de hipoteca de la apelada Asturias Sugar Central, Inc., hallamos que esta corporación de buena fe facilitó el préstamo de ₱50,000 con garantía de los terrenos en litigio, en la honrada creencia que Victoriano Gayoso era el propietario de los mismos. De hecho, Victoriano Gayoso, al tiempo de otorgar la hipoteca, administraba dichos terrenos en nombre y representación de sus hijos, y con conocimiento de su hija mayor Rosa Gayoso (los demás eran menores de edad), y con la ayuda de su cuñado José Rivera y de su sobrino Fernando Levy consiguió el préstamo de ₱50,000, para invertirlos en la mejora de los terrenos y cultivo de caña dulce en los mismos en beneficio de sus propios hijos.

“Por tanto, revocamos la sentencia apelada, ordenando que los lotes números 1865, 1867, 1996, 2011 y 3478 sean inscritos a nombre de los mencionados apelantes con la hipoteca de ₱50,000 a favor de Asturias Sugar Central, Inc., en los términos y condiciones que constan en los Certificados de Título Nos. 44921, 44931, 44922, 44928 y 44939, los cuales deberán ser cancelados, expediéndose en su lugar otros a favor de los mocionantes apelantes.”

Las mocionantes apelantes a que la referida decisión alude, son los mismos aquí apelados, y los que eran apelados en la causa en que dicha decisión fué dictada, son la aquí apelante Asturias Sugar Central, Inc., Victoriano Gayoso, esposo de la apelante Adela Rivera, y un tal Manuel García. Ninguno de los tres, ni Adela Rivera que se supone enterada de la decisión de referencia porque lo fué su esposo que era el administrador de la sociedad de gananciales de los dos, hicieron nada para protestar o para poner por lo menos los reparos que ahora están poniendo a la referida decisión, dejando transcurrir sin tomar acción alguna, cinco meses y veintidós días exactamente, desde la promulgación de aquella hasta el 5 de noviembre de 1938 en que la apelante Asturias Sugar Central, Inc., por pura incidencia, al contestar la petición de los apelados de que sea ordenado el Registrador de Títulos de Iloilo a cancelar los certificados de título varias veces mencionados, Nos. 44921, 44931, 44939, 44928 y 44922, en cumplimiento de la decisión recaída en la citada causa R. G. No. 42374, alegó por primera vez que, no habiendo sido parte su coapelante Adela Rivera en el incidente de revisión, ni habiendo sido objeto de contienda en dicho incidente la mitad de los referidos lotes 1865 y 2011 que le había sido adjudicada, no pueden ser cancelados los certificados de título que los cubren, porque el cancelarlos equivaldría a privar a dicha apelante de su propiedad sin el debido proceso de ley; y en que, al pedir la apelante Adela Rivera al Juzgado que (1)

ordenase al Registrador de Títulos de Iloílo, expida a su favor un duplicado separado de los certificados originales de título Nos. 44921 y 44931, y (2) declarase firme e inexpugnable el derecho que alega tener sobre la mitad pro indiviso de cada uno de los mencionados lotes a que aquellos se refieren, alegó a su vez, por primera vez, que le pertenecen como bienes parafernales.

La desidia y falta de acción de las dos apelantes, no pidiendo a tiempo la reconsideración de la decisión de este Tribunal, dictada en la citada causa R. G. No. 42374, les impide suscitar la cuestión que ahora están suscitando; primero, porque—prescindiendo ya de dicho motivo o falta de acción de su parte—la Asturias Sugar Central, Inc., no teniendo ningún interés ni derecho a ninguno de los lotes objeto de cuestión, excepto como acreedora hipotecaria, y estando su crédito debidamente salvaguardado por la referida decisión, no tiene motivos para quejarse de la misma; segundo, porque la orden del Juzgado de la cual apelaron Asturias Sugar Central, Inc., y Adela Rivera, no es por su naturaleza apelable, por ser interlocutoria y por no tener más fin que el de dar cumplimiento a la decisión y sentencia ya firmes, de este Tribunal, dictadas en la mencionada causa R. G. No. 42374; tercero, porque siendo de carácter *in rem* las actuaciones habidas en el Expediente de Catastro No. 61 de Iloílo, no era absolutamente necesario que la apelante Adela Rivera fuese notificada de la moción de revisión de los apelados que fué resuelta a favor de éstos por este Tribunal, porque su esposo lo fué, y es de notar que en la decisión original, o sea aquella en cuya virtud fueron expedidos los decretos y certificados de título Nos. 44921 y 44931, no se ha dicho que los bienes de que se trata son parafernales de Adela Rivera, sino por el contrario, se puede inferir de sus términos, que son gananciales de ella y de su esposo Victoriano Gayoso, porque no otra cosa puede indicar el que en los certificados de título de que se ha hecho mención, se dice claramente “* * * it is hereby decreed that spouses Victoriano Gayoso and Adela Rivera of Dingle, Province of Iloilo are the owners in fee simple * * *” de los referidos bienes o lotes, y siendo gananciales, era suficiente que Victoriano Gayoso fuese notificado de la moción de revisión de los apelados, porque, como administrador de los mismos, por ley (art. 1412, Código Civil), le competía conservarlos y defenderlos contra cualesquiera reclamaciones de terceros; y finalmente, porque el mismo Victoriano Gayoso manifestó en la indicada causa R. G. No. 42374, como así consta en la misma decisión allí dictada, que la posesión que tuvo de los lotes en litigio, fué solamente la de un encargado de su hijos, los apelados en

“En cuanto al derecho de hipoteca de la apelada Asturias Sugar Central, Inc., hallamos que esta corporación de buena fe facilitó el préstamo de ₱50,000 con garantía de los terrenos en litigio, en la honrada creencia que Victoriano Gayoso era el propietario de los mismos. De hecho, Victoriano Gayoso, al tiempo de otorgar la hipoteca, administraba dichos terrenos en nombre y representación de sus hijos, y con conocimiento de su hija mayor Rosa Gayoso (los demás eran menores de edad), y con la ayuda de su cuñado José Rivera y de su sobrino Fernando Levy consiguió el préstamo de ₱50,000, para invertirlos en la mejora de los terrenos y cultivo de caña dulce en los mismos en beneficio de sus propios hijos.

“Por tanto, revocamos la sentencia apelada, ordenando que los lotes números 1865, 1867, 1996, 2011 y 3478 sean inscritos a nombre de los mencionados apelantes con la hipoteca de ₱50,000 a favor de Asturias Sugar Central, Inc., en los términos y condiciones que constan en los Certificados de Título Nos. 44921, 44931, 44922, 44928 y 44939, los cuales deberán ser cancelados, expediéndose en su lugar otros a favor de los mocionantes apelantes.”

Las mocionantes apelantes a que la referida decisión alude, son los mismos aquí apelados, y los que eran apelados en la causa en que dicha decisión fué dictada, son la aquí apelante Asturias Sugar Central, Inc., Victoriano Gayoso, esposo de la apelante Adela Rivera, y un tal Manuel García. Ninguno de los tres, ni Adela Rivera que se supone enterada de la decisión de referencia porque lo fué su esposo que era el administrador de la sociedad de gananciales de los dos, hicieron nada para protestar o para poner por lo menos los reparos que ahora están poniendo a la referida decisión, dejando transcurrir sin tomar acción alguna, cinco meses y veintidós días exactamente, desde la promulgación de aquella hasta el 5 de noviembre de 1938 en que la apelante Asturias Sugar Central, Inc., por pura incidencia, al contestar la petición de los apelados de que sea ordenado el Registrador de Títulos de Iloílo a cancelar los certificados de título varias veces mencionados, Nos. 44921, 44931, 44939, 44928 y 44922, en cumplimiento de la decisión recaída en la citada causa R. G. No. 42374, alegó por primera vez que, no habiendo sido parte su coapelante Adela Rivera en el incidente de revisión, ni habiendo sido objeto de contienda en dicho incidente la mitad de los referidos lotes 1865 y 2011 que le había sido adjudicada, no pueden ser cancelados los certificados de título que los cubren, porque el cancelarlos equivaldría a privar a dicha apelante de su propiedad sin el debido proceso de ley; y en que, al pedir la apelante Adela Rivera al Juzgado que (1)

ordenase al Registrador de Títulos de Iloilo, expida a su favor un duplicado separado de los certificados originales de título Nos. 44921 y 44931, y (2) declarase firme e inextinguible el derecho que alega tener sobre la mitad pro indiviso de cada uno de los mencionados lotes a que aquellos se refieren, alegó a su vez, por primera vez, que le pertenecen como bienes parafernales.

La desidia y falta de acción de las dos apelantes, no pidiendo a tiempo la reconsideración de la decisión de este Tribunal, dictada en la citada causa R. G. No. 42374, les impide suscitar la cuestión que ahora están suscitando; primero, porque—prescindiendo ya de dicho motivo o falta de acción de su parte—la Asturias Sugar Central, Inc., no teniendo ningún interés ni derecho a ninguno de los lotes objeto de cuestión, excepto como acreedora hipotecaria, y estando su crédito debidamente salvaguardado por la referida decisión, no tiene motivos para quejarse de la misma; segundo, porque la orden del Juzgado de la cual apelaron Asturias Sugar Central, Inc., y Adela Rivera, no es por su naturaleza apelable, por ser interlocutoria y por no tener más fin que el de dar cumplimiento a la decisión y sentencia ya firmes, de este Tribunal, dictadas en la mencionada causa R. G. No. 42374; tercero, porque siendo de carácter *in rem* las actuaciones habidas en el Expediente de Catastro No. 61 de Iloilo, no era absolutamente necesario que la apelante Adela Rivera fuese notificada de la moción de revisión de los apelados que fué resuelta a favor de éstos por este Tribunal, porque su esposo lo fué, y es de notar que en la decisión original, o sea aquella en cuya virtud fueron expedidos los decretos y certificados de título Nos. 44921 y 44931, no se ha dicho que los bienes de que se trata son parafernales de Adela Rivera, sino por el contrario, se puede inferir de sus términos, que son gananciales de ella y de su esposo Victoriano Gayoso, porque no otra cosa puede indicar el que en los certificados de título de que se ha hecho mención, se dice claramente “* * * it is hereby decreed that spouses Victoriano Gayoso and Adela Rivera of Dingle, Province of Iloilo are the owners in fee simple * * *” de los referidos bienes o lotes, y siendo gananciales, era suficiente que Victoriano Gayoso fuese notificado de la moción de revisión de los apelados, porque, como administrador de los mismos, por ley (art. 1412, Código Civil), le competía conservarlos y defenderlos contra cualesquiera reclamaciones de terceros; y finalmente, porque el mismo Victoriano Gayoso manifestó en la indicada causa R. G. No. 42374, como así consta en la misma decisión allí dictada, que la posesión que tuvo de los lotes en litigio, fué solamente la de un encargado de su hijos, los apelados en

la presente, lo cual destruye por sí solo toda la pretensión de la apelante Adela Rivera. Sobre este extremo, son estas las palabras de la referida decisión:

“* * * y por otra parte, Victoriano Gayoso al contestar con anterioridad la demanda de restitución de posesión presentada contra él por Pedro Espino, alegó que no era mas que un encargado de los terrenos en cuestión, y que los verdaderos dueños de dichos terrenos eran sus hijos habidos de su matrimonio con su hoy finada esposa Matilde Rivera, los mocionantes aquí apelantes.”

Otra razón hay que milita en contra de las apelantes y es, que al decidir este Tribunal la causa R. G. No. 42374, declaró claramente que Victoriano Gayoso, esposo de la apelante Adela Rivera, consiguió inscribir en el registro los terrenos objeto de cuestión a nombre de ella y de él, valiéndose de medios fraudulentos; y no nos es dado ahora revisar la decisión en que esto se declaró, y menos revocarla porque ha quedado firme, y no es ya alterable.

Por todo lo expuesto, y considerando como consideramos carente de méritos la apelación de las apelantes, por estar arreglada a derecho la orden apelada, y porque ésta, por ser interlocutoria, no es apelable, confirmamos la misma; y ordenamos que las costas en esta instancia sean tasadas en contra de las apelantes. Así se ordena.

MORAN, M.:

Estoy conforme con la parte dispositiva.

Avanceña, Pres., Imperial, Laurel, y Horrilleno, MM., están conformes.

Se confirma la orden.

[No. 47358. Junio 17, 1941]

MANILA MOTOR COMPANY, INC., demandante y apelante,
contra LA CIUDAD DE MANILA, demandada y apelada.

1. IMPUESTOS; DERECHOS DE LICENCIA; ORDENANZAS MUNICIPALES; INTERPRETACIÓN.—La Ordenanza No. 2529, al igual que cualquiera otra ley, debe interpretarse en su conjunto y no por las frases aisladas que contiene. Leyendo el contexto de la ordenanza se ve que las cantidades que fija, por su cuantía, constituyen derechos por la expedición de la licencia e impuesto para fines de tributación. Además, es regla bien reconocida que cuando se trata de derechos que un municipio impone en el ejercicio de su facultad delegada, bien en forma de licencia o bien como impuesto o tributación, generalmente se emplea la frase *license fees* para denotar ambas cosas. Que la demandada está facultada para cobrar derechos de licencia e impuesto en forma de tributación a la vez por el ejercicio de una ocupación o industria, es una proposición tan clara que halla su apoyo en el artículo 2444

del Código Administrativo Revisado, según ha sido enmendado por la Ley No. 3669 y la Ley No. 76 del Commonwealth.

2. ID.; ID.; ID.; DOBLE IMPUESTO.—El doble impuesto que prohíbe la Constitución y es objeccionable desde el punto de vista legal existe solamente cuando la misma propiedad se sujeta a dos impuestos por la misma entidad o Gobierno, para el mismo fin y durante el mismo período de tiempo (Cooley on Taxation, Vol. 1, pp. 475-479).

APELACIÓN contra una sentencia del Juzgado de Primera Instancia de Manila. Albert, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Félix P. David en representación de la apelante.

El Fiscal de la Ciudad Sr. Mabánag en representación de la apelada.

PER CURIAM:

Esta es una apelación interpuesta por la demandante contra la decisión del Juzgado de Primera Instancia de Manila que sobreseyó su demanda que tenía por objeto reconocer de la demandada cierta suma de dinero pagada bajo protesta como derecho de licencia por vender automóviles, y absolvió a la demandada, con las costas a la demandante.

Por hallarse dedicada a la venta de automóviles y sus accesorios, la demandante pagó la cantidad de ₱500 como derechos de licencia por un año, desde julio 1, 1937, hasta junio 30, 1938, de acuerdo con la Ordenanza No. 1925 de la demandada, conforme fué enmendada por la Ordenanza No. 2120. Posteriormente la Junta Municipal aprobó la Ordenanza No. 2529 y con arreglo a ella la demandante se veía obligada a pagar, a partir del 1.º de enero de 1938, licencias trimestrales basadas en sus ventas o ingresos brutos. Como la demandante hizo ventas por más de ₱75,000 en cada uno de los tres primeros trimestres del año 1938, fué requerida a pagar ₱450 como derechos de licencia por cada trimestre, o sea, un total de ₱1,350. De la cantidad de ₱500 que había pagado la demandante como derechos de licencia por un año de acuerdo con la ordenanza anterior, la demandada le acreditó ₱250 que venía a corresponder a medio año, esto es, de julio 1, 1937, a diciembre 31, del mismo año, y el resto de ₱250 lo aplicó como pago parcial de la licencia correspondiente al primer trimestre del año 1938. Habiendo sido requerida a que pagara el resto de los derechos de licencia fijados por la Ordenanza No. 2529 que importaba ₱1,100, ₱200 para completar los del primer trimestre y ₱900 como derechos que correspondían al segundo y tercero trimestres del año 1938, la demandante pagó los derechos bajo protesta e inició la presente acción.

Al desestimar la pretensión de la demandante de que los derechos de licencia que fija la Ordenanza No. 2529 son exorbitantes y exceden de los gastos que ocasionan la expedición de la licencia y la vigilancia e inspección del negocio por cuyo motivo la ordenanza es nula, el Juzgado declaró que dicha ordenanza no se limita a fijar derechos de licencia sino al mismo tiempo impuesto para fines de tributación. En su primer señalamiento de error la demandante sostiene que tal conclusión es errónea y se funda en que la misma ordenanza emplea repetidas veces la frase *license fees*. No hallamos mérito en la pretensión de la demandante. La Ordenanza No. 2529, al igual que cualquiera otra ley, debe interpretarse en su conjunto y no por las frases aisladas que contiene. Leyendo el contexto de la ordenanza se ve que las cantidades que fija, por su cuantía, constituyen derechos por la expedición de la licencia e impuesto para fines de tributación. Además, es regla bien reconocida que cuando se trata de derechos que un municipio impone en el ejercicio de su facultad delegada, bien en forma de licencia o bien como impuesto o tributación, generalmente se emplea la frase *license fees* para denotar ambas cosas (17 R. C. L., 475; *Levy v. Louisville*, 97 Ky. 394, 30 S. W. 973, 28 L. R. A. 480; *Dodge v. Guidinger*, 87 Neb. 349, 127 N. W. 122, 138 A. S. R. 494). Que la demandada esta facultada para cobrar derechos de licencia e impuesto en forma de tributación a la vez por el ejercicio de una ocupación o industria, es una proposición tan clara que halla su apoyo en el artículo 2444 del Código Administrativo Revisado, según ha sido enmendado por la Ley No. 3669 y la Ley No. 76 del Commonwealth.

Sostiene la demandante que la ordenanza No. 2529 es anticonstitucional y nula porque la licencia que fija es excesiva, injusta e irrazonable. Para demostrar que la pretensión es insostenible nos limitaremos a reproducir a continuación lo que el Juzgado dijo sobre el particular, en donde el distinguido Juez que decidió el asunto refuta magistralmente la teoría de la demandante:

“La demandante trata de impresionar al Juzgado, presentando el siguiente ejemplo: Supongase que durante el primer trimestre se vendieran vinticinco (25) coches Studebaker a razón de ₡3,000 cada uno, la demandante deberá pagar, según el nuevo Código de Rentas Internas, un impuesto de ₡7,500—y, por razón de la la ordenanza en cuestión, deberá también pagar un impuesto adicional de ₡450. Con este hecho escueto, sin explicación o argumento alguno es difícil comprender ¿cómo puede ser irrazonable, injusta, opresiva y carga pesadísima una contribución adi-

cional de 43 céntimos y un tercio de céntimo por cada cien pesos que la demandante venda durante tres meses? De acuerdo con la anterior ordenanza, la demandante sólo pagaba ₡125 en vez de ₡450 cada trimestre, o sea, una diferencia de ₡325, o treinta y dos mil quinientos céntimos divididos entre ₡75,000, resulta cuatro mil trescientos treinta y tres milésimas por ciento (.4333%), es decir 43 céntimos y un tercio de céntimo por cada cien pesos. Decir esta cantidad es irrazonable, injusta, opresiva y carga pesadísima, es no expresar el criterio con rectitud."

Afirma igualmente la demandante que la referida ordenanza es también anticonstitucional porque fija y cobra doble impuesto. El Juzgado declaró, y en esto le hemos sostenido, que los derechos que cobra la ordenanza tienen el doble concepto de impuesto de licencia y tributación y la demandante sostiene que por este motivo la ordenanza cobra doble impuesto porque por la Ley de Rentas Internas ya paga otro impuesto por la venta de los automóviles y sus accesorios. La pretensión de la demandante en este respecto es infundada porque el doble impuesto que prohíbe la Constitución y es objeccionable desde el punto de vista legal existe solamente cuando la misma propiedad se sujeta a dos impuestos por la misma entidad o Gobierno, para el mismo fin y durante el mismo período de tiempo (*Cooley on Taxation*, vol. 1, pp. 475-479).

Se confirma la decisión recurrida, con las costas de esta instancia a la demandante-apelante. Así se ordena.

Avanceña, Pres., Díaz, Laurel, Moran, y Horrilleno, MM.

Se confirma la decisión.

[No. 47432. June 17, 1941]

EUSTAQUIO FULE, petitioner, *vs.* SALVADOR ABAD SANTOS, Judge of First Instance of Laguna, and ENRIQUE BAUTISTA, respondents.

ACTIONS "IN PERSONAM"; JUDGMENTS BINDING ONLY BETWEEN PARTIES AND THEIR SUCCESSORS-IN-INTEREST.—Respondents admit that petitioner E. F. was not made a party to the proceeding wherein respondent E. B. was adjudged owner of said property. Under this circumstance, petitioner cannot be bound by any judgment which might have been rendered therein in favor of respondent, and the order enforcing such judgment against him is in excess of jurisdiction. Judgments rendered in actions *in personam* are enforceable only between the parties and their successors in interest, but not against strangers thereto. (Sec. 306, par. 2, Act No. 190, now Rule 39, sec. 44 (b), Rules of Court.)

ORIGINAL ACTION in the Supreme Court. *Certiorari.*

The facts are stated in the opinion of the court.

Tomas Dizon for petitioner.

Eusebio M. Lopez, Zacarias B. Ticzon and Zosimo D. Tanalega for respondents.

The respondent judge in his own behalf.

MORAN, J.:

On March 8, 1940, respondent Enrique Bautista filed with the Court of First Instance of Laguna a petition alleging that in civil case No. 6708 he was finally adjudged the exclusive and absolute owner of a parcel of land which constitutes the subject of the present litigation; that a writ of possession having been issued in his favor, the provincial sheriff of Laguna was ordered on June 29 and August 24, 1939, and again on March 4, 1940, to deliver the land to him; and that petitioner Eustaquio Fule who was in actual possession of the land refused to surrender same to him. On the strength of these averments, he prayed that petitioner here be required to appear to explain his refusal to surrender the possession of the land and to show cause why he should not be punished for contempt for allegedly disobeying the writ of possession issued in respondent's favor. Petitioner, in his answer, denied any participation, direct or indirect, in the civil case aforementioned; that, for such reason, he cannot be bound by, as in fact he has no knowledge of, any writ of possession which might have issued to enforce the judgment therein against him and in favor of respondent Enrique Bautista; and that he was in actual possession of the land as absolute owner thereof since January 13, 1936. On March 20, 1940, the court issued an order denying respondent's prayer to hold Eustaquio Fule in contempt but ordering him to vacate the land "without prejudice to establishing his alleged right of ownership thereto in a proper action." This order is the subject of review in the present petition for certiorari.

Respondents admit that petitioner Eustaquio Fule was not made a party to the proceeding wherein respondent Enrique Bautista was adjudged owner of said property. Under this circumstance, petitioner cannot be bound by any judgment which might have been rendered therein in favor of respondent, and the order enforcing such judgment against him is in excess of jurisdiction. Judgments rendered in actions *in personam* are enforceable only between the parties and their successors in interest, but not against strangers thereto. (Sec. 306, par. 2, Act No. 190, now Rule 39, sec. 44 [b], Rules of Court.)

Respondents contend that the petitioner is a successor in interest to the parties plaintiff in civil case No. 6078 by title subsequent to the commencement of the action. The facts as stated by respondents themselves in connection with this point are as follows: On or about June 10, 1930, Felipe Suarez sold the property in question to Gregorio Atienza with the right of repurchase within ten years. On or about December 12, 1930, Gregorio Atienza sold the same property to respondent Enrique Bautista, also with the right of repurchase. On or about June 21, 1932, Gregorio Atienza brought an action against Enrique Bautista, registered as civil case No. 5060, for the annulment of their contract on the ground that it did not express the true agreement between the parties, said contract being alleged to be one of usurious loan. Judgment was rendered in said case, which on appeal to this Court was affirmed *in toto*, declaring the contract to be an equitable mortgage. Upon failure of Gregorio Atienza to pay the mortgage debt, the property was sold at public auction on April 17, 1935 in favor of respondent Enrique Bautista. But before the sale, the mother and guardian *ad litem* of minors Rubin, Conrado and Ernesto Atienza filed a third-party claim on the ground that the property had been donated to them by Gregorio Atienza. The execution sale was carried out and the third-party claimants filed an action docketed as civil case No. 6708 against Enrique Bautista for the recovery of the property. And while this action was pending, on January 13, 1936, Felipe Suarez exercised his right of repurchase over the property from Gregorio Atienza, and on same date sold it to petitioner Eustaquio Fule. In civil case No. 6708, a judgment was rendered by the Court of Appeals giving the plaintiffs a period of six months within which to redeem the property from Enrique Bautista, which they never did.

Even upon these facts, we hold that the petitioner's predecessor in interest, Felipe Suarez, cannot be considered as successor in interest to the parties plaintiff in civil case No. 6078. In the first place, Felipe Suarez repurchased the property not from the minors Rubin, Conrado and Ernesto Atienza, who are plaintiffs in said civil case No. 6078, but from Gregorio Atienza, plaintiff in civil case No. 5060. In the second place, as such right of repurchase had existed since June 10, 1930, and that it was to subsist for a period of ten years, as agreed upon between Felipe Suarez and Gregorio Atienza, any contract which the latter, within such period of ten years, might have entered into with other persons in connection with said property would be subject

to said right. And being anterior to either civil case No. 6050 instituted by Gregorio Atienza against Enrique Bautista, or to civil case No. 6078 instituted by the minors Rubin, Conrado and Ernesto against Enrique Bautista, and in no way connected with the matters therein litigated, said right of repurchase could in no substantial sense be affected by the outcome of these two civil cases. There can, therefore, be no reason why Suarez should be bound by the judgment rendered in either of them. That Felipe Suarez repurchased the property from Gregorio Atienza does not make him a mere successor in interest to the latter, in the sense that he acquired nothing but the rights of Gregorio Atienza which were litigated in the two civil cases. In fact, Felipe Suarez, by such repurchase, acquired nothing new to him but simply recovered his preexisting title transferred temporarily to Gregorio Atienza and which could not have been affected by the two civil cases. In other words, Felipe Suarez is not a successor in interest by title *subsequent* to the commencement of the action, his title being anterior to the institution of the civil cases.

The only way by which petitioner's right of repurchase could be interfered with, and nominally, in the two civil cases is that the person from whom it may be exercised may change according to the outcome of said cases, and in fact respondents contend that Felipe Suarez should have exercised his right of repurchase not from Gregorio Atienza, but from Enrique Bautista to whom the property was transferred in an execution sale. While this contention is not entirely groundless, we have, on the other hand, article 1510 of the Civil Code which provides that "the vendor may bring his action against any possessor who holds under the vendee, even though in the second contract no mention should have been made of the conventional redemption, saving always the provisions of the Mortgage Law with respect to third persons." According to this provision, Felipe Suarez may of right repurchase from *any possessor* who holds under the vendee, and as the respondents themselves admit that "during all the time that elapsed from 1930 to 1936 Gregorio Atienza appeared to be in possession of this property," it is from him that Felipe Suarez could make his repurchase. We are not, however, deciding this point finally, for it may depend upon other facts and circumstances which cannot be elucidated in this petition, but we are merely pointing out its seriousness to suggest the necessity of final adjudication thereof in an independent action and not in an incident of a civil case to which petitioner was not a party.

Order of possession issued by the respondent court against petitioner is hereby reversed, with costs against respondents.

Avanceña, C. J., Diaz, and Horrilleno, JJ., concur.

Laurel, J., concurs in the result.

Petition granted.

[No. 47580. June 17, 1941]

SIMEON MANDAC, petitioner, *vs.* THE COURT OF APPEALS and VICTORINO SALES, QUIRINO SALES and MARCELO GARVIDA, respondents.

JUDGMENTS; WHAT DEEMED TO HAVE BEEN ADJUDGED.—The land here in question though forming part of the ten parcels conveyed by the children of T. R. to S. M., was however never disputed in civil case No. 38833. And, further, the herein respondents, V. S. and Q. S., were not made parties to said civil case. The judgment, therefore, of this court on the matter of the possession of the children of T. R. is of no binding force upon the parcel here in question nor upon the respondents V and Q. S., and the rule of conclusiveness of judgment embodied in section 307 of Act No. 190 (now Rule 39, sec. 45, Rules of Court) does not apply. The Court of Appeals is accordingly free to make its own finding thereon.

PETITION for review on certiorari.

The facts are stated in the opinion of the court.

Simeon Mandac in his own behalf.

Irineo Ranjo for respondents.

MORAN, J.:

On October 13, 1937, petitioner Simeon Mandac instituted in the Court of First Instance of Ilocos Norte against respondents Victorino and Quirino Sales and one Marcelo Garvida an action for the recovery of a parcel of land situated in sitio Lanao of the municipality of Bangui, Ilocos Norte. Judgment was there rendered declaring Simeon Mandac owner of the land and ordering Victorino and Quirino Sales to turn over its possession to him and to pay the value of the products taken by them at the rate of ₱72 for every agricultural year, from 1935-1936 until the return has been made. The case was, however, dismissed as to Marcelo Garvida who alleged noninterest in the suit. The Court of Appeals reversed this judgment and absolved all the defendants of the complaint.

The trial court, accounting for the origin of the ownership of the land in question, found:

“Este terreno en cuestión, juntamente con otras nueve parcelas de la propiedad de los herederos de Teodoro Ramiscal, se ha vendido al demandante el año 1923. Aquéllos han quedado en los terrenos como aparceros del comprador

y aquí demandante. Hubo un pleito entre el aquí demandante Mandac y los herederos de Ramiscal, por una parte, y Marcelo Garvida, uno de los aquí demandados, por otra, sobre la posesión y propiedad de los terrenos vendidos, aunque el lote aquí cuestionado no estaba entonces en disputa. En aquella causa, Marcelo Garvida pretendió ser dueño de las nueve parcelas cuestionadas y fué sostenido por este Juzgado; pero la Corte Suprema, en decisión promulgada el 10 de diciembre de 1934, en la causa R. G. No. 38833, sostuvo el derecho de propiedad de los Ramiscal en los terrenos en cuestión y su traspaso en venta a favor del demandante Simeón Mandac (Exhibito B)."

The pertinent portion of the decision of this Court referred to in the foregoing finding of the trial court reads:

"* * * the weight of the evidence is clearly to the effect that the children of Teodoro Ramiscal were in possession of these lands under claim of ownership from the death of their father until they sold the lands to Simeon Mandac in 1923 * * *."

The Court of Appeals, on the other hand, found for a basic fact that Teodoro Ramiscal "no era más que inquilino o colono de Ambrosio Sagucio" who, as claimed by the respondents, conveyed the land in question to Victorino Sales, one of the respondents herein. It is now contended by the petitioner that this finding of the Court of Appeals disregards, in effect, the conclusion of this Court in its final judgment in civil case No. 38833 holding the possession of the children of Teodoro Ramiscal as one under claim of ownership. It should be noted that, as observed by the trial court, the land here in question though forming part of the ten parcels conveyed by the children of Teodoro Ramiscal to Simeon Mandac, was however never disputed in said civil case No. 38833. And, further, the herein respondents, Victorino Sales and Quirino Sales, were not made parties to said civil case. The judgment, therefore, of this Court on the matter of the possession of the children of Teodoro Ramiscal is of no binding force upon the parcel here in question nor upon the respondents Victorino and Quirino Sales, and the rule of conclusiveness of judgment embodied in section 307 of Act No. 190 (now Rule 39, sec. 45, Rules of Court) does not apply. The Court of Appeals is accordingly free to make its own finding thereon.

The other questions raised by the petitioner refer to matters of fact upon which the conclusions of the Court of Appeals cannot be disturbed.

Judgment is affirmed, with costs against petitioner.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

Judgment affirmed.

DECISIONS OF THE COURT OF APPEALS

[No. 7041. March 31, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
JULIAN BACANI, accused and appellant.

DISOBEDIENCE TO AGENTS OF PERSONS IN AUTHORITY; ACTS OF DISOBEDIENCE.—The retort of the accused that the sheriff and the policemen who were serving the writ of injunction against him were nothing but fools, and his refusal to stop and raise his hands upon being required to do so, but instead advanced further and attempted to unsheath his bolo, are clear acts of disobedience to agents of a person in authority.

APPEAL from a judgment of the Court of First Instance of Pampanga. Ocampo, J.

The facts are stated in the opinion of the court.

Luis Meneses for appellant.

Assistant Solicitor-General Reyes and *Solicitor Barcelona* for appellee.

MELENCIO, J.:

From the decision of the Court of First Instance of Pampanga finding him guilty of disobedience to an agent of a person in authority under paragraph 2 of article 151 of the Revised Penal Code and sentencing him to pay a fine of ₱25, with subsidiary imprisonment in case of insolvency, and costs, Julian Bacani appeals to this court.

The record reveals that on October 13, 1939, the Court of First Instance of Pampanga issued a writ of preliminary injunction in civil case No. 6635, "Severa Sicat, et al. *vs.* Julian Bacani, et al.," enjoining several defendants from entering the land in dispute, situated in barrio San Pablo, Lubao, Pampanga. The writ was served on October 21, 1939, upon the defendants who refused to sign it (Exhibit A). Evidently, the defendants, under the leadership of appellant, did not comply with the order, for on December 1, 1939, another order was issued by the court commanding the provincial sheriff of Pampanga "to exert all efforts, to the end that the order of injunction is duly executed and obeyed by all parties concerned." (Exhibit B.)

Pursuant to the order, deputy provincial sheriff Julian B. Mendoza, accompanied by chief of police Catalino Bautista of Lubao and several policemen, who were requested by the provincial sheriff to help Mendoza carry out the court's order, went to the land in dispute at about eleven o'clock in the morning of that same day. Upon reaching the place,

they saw a number of people among the bamboo groves near the land, who, upon seeing them, blew "tambulis." Inside the land, a few meters from appellant and his companions, deputy sheriff Mendoza told them in a loud voice that they should not enter the land except those in whose favor the writ of preliminary injunction was issued. Appellant, however, who claims the land as his, with his right hand on the handle of his bolo, Exhibit C, advanced in rapid strides towards the sheriff, remarking "Vds. no son mas que policías, y que Vds. los portadores del gobierno son unos locos." Chief of police Bautista then ordered appellant to stop, raise his hands and surrender his bolo. Appellant refused and instead continued to advance. Whereupon Bautista pushed aside the deputy sheriff to prevent him from being hurt, and intercepting appellant, grabbed his hands as he was about to unsheath his bolo and succeeded in taking the bolo away from appellant who was resisting. Appellant was then searched and a knife, Exhibit D, was found in one of his pockets. When he was placed under arrest, he also resisted, but was finally taken to the municipal building of Lubao.

We find the foregoing facts established beyond question. They were testified to by chief of police Bautista and deputy provincial sheriff Mendoza, two public officers who were merely complying with their duties, whose version is straightforward and credible in all respects, and who have no motive whatsoever for incriminating appellant. It is incredible that the police officers would have ordered appellant to raise his hands and to surrender his bolo and have him searched if he was not threatening in his attitude.

"No solamente hay que presumir que el jefe de policía no hizo más que cumplir con su deber, relatando, con fidelidad a su juramento, los hechos tales como llegaron a su personal conocimiento, sino que en autos no hay ningún dato que demuestre que dicho jefe tuviera algún motivo bastardo o torticero para acusar falsamente al apelante." (Underhill, Criminal Evidence, p. 5; *E. U. contra Pajarillo*, 19 Jur. Fil., 301; *E. U. contra Claro*, 32 Jur. Fil., 434; *Pueblo contra de Otero*, 51 Jur. Fil., 212; *Pueblo contra Ilanan*, R. G. No. 43818; *People vs. Alvarez*, CA-G. R. No. 5357.)

Appellant argues that the chief of police of Minalin, who was present during the occasion, should have been presented to prove that appellant really carried a bolo. This fact however has been sufficiently established by chief of police Bautista, and the testimony of the chief of police of Minalin would have been merely corroborative.

Appellant also urges that chief of police Bautista against whom the acts of disobedience were committed was not an agent of a person in authority and that the agent of the person in authority on the occasion in question was deputy sheriff Mendoza. This contention cannot possibly be upheld. Chiefs of police are, under the law, *ex-officio* deputy sheriffs in their respective municipalities (sec. 184, Rev. Adm. Code) and the herein order of the court could be legally executed by the chief of police. Moreover, it is already established that police officers are agents of persons in authority (People *vs.* Famora, CA-G. R. No. 2232; People *vs.* Taylor, 6 Phil., 162; People *vs.* Tabaña, 37 Phil., 515).

That appellant should be defiant in his attitude is easily explained. He resented the two writs of injunction against him and his men. When the first writ was issued and was served on him, he refused to sign it, and evidently he did not comply with it. When the second writ was issued, his resentment must have increased, so that when finally deputy sheriff Mendoza and chief of police Bautista definitely required compliance with the order, he resisted and disobeyed them. His retort that the sheriff and the policemen were nothing but fools, and his refusal to stop and raise his hands upon being required to do so, but instead advanced further and attempted to unsheath his bolo, are clear acts of disobedience to agents of a person in authority.

Respect for law is one of the cornerstones of a democracy. Obedience to court orders is a characteristic of a good citizen. Trite it may be, it will bear repetition that no man is above the law. Appellant's attitude towards the writ being served on him, his arrogance towards the peace officers and his contemptuous remarks against them, reveal a sad misconception of the processes of good government. He may be misguided, but his conduct under the circumstances finds no justification in reason.

We find him guilty and the judgment of the lower court is affirmed, with costs against appellant.

Montemayor and Torres, JJ., concur.

Mr. Justice Briones dissents in a separate opinion to which Mr. Justice Enage concurs.

BRIONES, M., disidente:

No estoy conforme con la decisión de la mayoría en esta causa. Me parece increíble que el acusado y apelante, Julián Bacani, se atreviera a desenvainar su bolo en ademán de resistir por lo menos a cuatro agentes de la autoridad que portaban revólveres. Más todavía, hasta dudo de que el acusado llevara bolo en aquella ocasión. Creo que la única arma que portaba era un cortaplumas.

Lo que creo ocurrió en el presente caso fué lo siguiente: el acusado, al notar que el shériff y los policías no eran todo lo imparciales que debían ser en el desempeño de su cometido, formuló una enérgica protesta; pero estoy convencido de que ésta no llegó al grado de una resistencia o desobediencia.

Ninguno puede oponer reparo a que se afirme el principio de la autoridad; pero ésto no justifica el abuso, eso que vulgarmente se llama empacho de autoridad.

ENAGE, M.:

Concurro en la disidencia anterior.

Judgment affirmed.

[No. 7104. April 9, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. EDILBERTO ENRIQUEZ, defendant and appellant.

1. VEHICLES; DUTY OF A DRIVER BEFORE OVERTAKING AND PASSING ANOTHER VEHICLE; AUTOMOBILE LAW, SECTION 58 (b).—Under section 58 (b) of the Automobile Law, an operator of a motor vehicle must first see that the road is clear before overtaking and passing another vehicle. If he cannot pass in safety, his duty is to slacken his speed.
2. ID.; DAMAGE TO PROPERTY THROUGH RECKLESS IMPRUDENCE; CONTRIBUTORY NEGLIGENCE; NEGLIGENCE OF THE OFFENDED PARTY WHICH IS NOT THE IMMEDIATE CAUSE OF COLLISION, NOT BAR TO RECOVERY.—The Motor Vehicle Law does not require the dimming of lights when vehicles meet in all cases. But even conceding that the offended party was negligent in not dimming his lights when his truck and the car of the accused met, yet that negligence would not make him equally liable for the accident, nor would it relieve accused of liability. The alleged negligence of the offended party was not contributory negligence in the legal sense, because it was not the proximate cause.

APPEAL from a judgment of the Court of First Instance of Pampanga. Ocampo, J.

The facts are stated in the opinion of the court.

Francisco L. Lazatin for appellant.

Assistant Solicitor-General Amparo and *Solicitor Bautista* for appellee.

MELENCIO, J.:

We have before us an appeal by Edilberto Enriquez from a judgment of the Court of First Instance of Pampanga finding him guilty of damage to property through reckless imprudence, for which he was sentenced to pay a fine of ₱451, to indemnify Churchill & Tait, Inc. in the same amount, with subsidiary imprisonment in case of insolvency which shall not exceed six months, and to pay the costs.

Between eight and nine o'clock in the evening of August 24, 1939, one Cipriano Doctor was driving truck No. S-780 belonging to Churchill & Tait, Inc., in barrio San Jose, municipality of Magalang, Pampanga, travelling northward. Coming from the opposite direction was car No. 38-1024 driven by appellant. Doctor was running at a speed of between ten to twenty kilometers, while appellant was running at fifty kilometers an hour. Ahead of the car was a carromata. When the truck was about ten meters away from the carromata, appellant overtook the rig, and he swerved to the right side of the road in order to pass on. Seeing this, Doctor swerved further to the left on the *rampa*, which served as the sidewalk. Notwithstanding this maneuver, appellant's automobile bumped against the right front side of the truck; the truck fell into a ditch on the right side of the road, while the automobile stopped on the opposite side (sketch, Exhibit A). As a result of the collision, the motor transmission, the steering gear, the front axle, the starting motor and the generator of the truck were damaged and the repairs at the Manila Trading and Supply Company were estimated to cost ₱451 (Exhibit B). The car was also damaged.

In this appeal, appellant seeks to place the blame on Doctor. The truck, according to him, was running at a speed of not less than fifty kilometers per hour. He signalled for dim lights, and then put out his own lights, but the driver of the truck did not dim his lights. Instead, when the two vehicles were thirty meters apart, the truck turned on a much brighter light, and all of a sudden the two cars collided with each other. Appellant also avers that he did not attempt to pass a carromata at the time.

The determination of the case depends primarily on the credibility of the witnesses, for the theory of the prosecution is based on the testimony of two employees of Churchill and Tait, Inc., namely, Doctor, the driver of the truck, and one Paruñgao, who was with Doctor at the time, while the defense relies on the testimony of appellant himself and of one Felix Galang who was with appellant in the car at the time. Chief of police Salvador Felix and policeman Wenceslao Guzman of Magalang, who testified for the defense, did not see the collision. Their testimony is confined to what Doctor and the appellant told them. They were not even able to indicate the tiremarks on the road.

But taking appellant's version of the accident at its face value, he is still the one to blame under the applicable provisions of law.

It is true that the chief of police examined the headlamps of the truck and found that its dim lights were out of order.

The law does not however require the dimming of lights when vehicles meet in all cases (sec. 47, Motor Vehicle Law; *People vs. Reyes*, SC-G. R. No. 40843). But even conceding that Doctor was negligent in not dimming his lights, that negligence would not necessarily make him equally liable for the accident, nor would it relieve appellant of liability. The reason is that it was appellant's negligence that was the immediate cause of the collision. He should not have passed the carromata knowing full well that another vehicle was approaching from the opposite direction and was so near that there was no room for him to pass. In so doing he violated section 58 (b) of the Automobile Law:

"A person, or driver, or operator of a vehicle, attempting to overtake and pass persons or vehicles going in the same direction, shall exercise due caution, and *shall yield reasonable right of way to persons or vehicles simultaneously attempting to pass in the opposite direction.*"

An operator of a motor vehicle must first see that the road is clear before overtaking and passing another vehicle. If he cannot pass in safety, his duty is to slacken his speed.

"Before attempting to pass the vehicle ahead, the rear driver must see that the road is clear, and if there is not sufficient room for a safe passage, or the driver ahead does not turn out so as to afford opportunity to pass, or if, after attempting to pass, *the driver of the overtaking vehicle finds that he cannot make the passage in safety, the latter must slacken his speed so as to avoid the danger of a collision, even bringing his car to a stop if necessary.* (Huddy, *Encyc. of Automobile Law*, Vol. 3-4, sec. 121, p. 195; *People vs. Nido*, SC-G. R. No. 40865.)

"It is the duty of the driver of an automobile when meeting or passing other travelers to *check the speed to such an extent as to give him sufficient control to avoid or avert an accident due to the carelessness or imprudence of his fellow travelers, and failure to do so is reckless negligence.*" (U. S. *vs. Juanillo*, 23 Phil., 212)

Our conclusion is that the proximate cause of the accident was appellant's negligence. Complainant's negligence, if any, was not contributory in the legal sense, because it was not the proximate cause.

"One of the fundamental propositions of the law of negligence is that the contributory negligence of an injured person, to bar a recovery, must be the proximate cause of the injury sustained. Negligence on the plaintiff's part which does not contribute to the injury will not prevent his recovery. *Negligence is contributory in a legal sense when, and only when, it is a proximate cause of the injury,*

and if such contribution exists in the least degree, there can be no recovery. Negligence of a highway traveler does not relieve a motorist from an act of negligence which was not the proximate cause of resulting injuries. (Huddy, *supra*, p. 352; see also U. S. vs. Tayontong, 21 Phil., 416.)

Likewise, we see no merit in appellant's contention that the delay of twenty-six days in the filing of the complaint constituted laches sufficient to create a suspicion regarding the truth of the charge. The collision having occurred in Pampanga and the complainant being a driver of Manila truck, we think that the delay in the filing of the charges was excusable.

Appellant's other averment that there was no carromata on the road at the time of the occurrence is manifestly false. The accident would not have happened in the way it did and on such a wide thoroughfare as the Magalang road if appellant did not really attempt to pass another vehicle.

We note however that there is no evidence of actual payment of the exact amount for the repairs on the damaged truck. Exhibit B is merely an *estimate*, by the Manila Trading and Supply Company, of the cost of necessary repairs.

For this reason, appellant is sentenced only to pay a fine of ₱100, with subsidiary imprisonment in case of insolvency, without prejudice to whatever civil action that might be appropriate. With this modification, the judgment of the lower court is affirmed, with costs against appellant.

Albert, Padilla, Reyes (H.), and Enage, JJ., concur.

Judgment modified.

[No. 7170. April 9, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
MAGDALENO BATIQUIN, defendant and appellant.

CRIMINAL LAW; MITIGATING CIRCUMSTANCES; MITIGATING CIRCUMSTANCE OF HAVING ACTED IN VINDICATION OF A GRAVE OFFENSE, ALLOWED BY ANALOGY ON THE AUTHORITY OF UNITED STATES *vs.* AMPAR.—The offended party was one of the volunteer workers to repair and clean an abandoned barrio road. The work started in the morning but the offended party arrived in the afternoon of that day. The accused municipal councilor in charge of the work inquired why he came late, to which the offended party retorted sarcastically, "Perhaps, during the Spanish regime, when one comes late, he is punished." Infuriated at the reply, accused immediately drew out his gun and fired at the offended party, but did not hit him. *Held:* That a mitigating circumstance of having acted in vindication of a grave offense against his person is allowed in favor of the accused by analogy, on the authority of United States *vs.*

Ampar (37 Phil., 20). The retort of the offended party implied that the accused was "a petty tyrant as were the authorities under the Spanish government."

APPEAL from a judgment of the Court of First Instance of Leyte. Angeles David, J.

The facts are stated in the opinion of the court.

Antonio Montilla for appellant.

Assistant Solicitor-General Amparo and *Acting Solicitor Avanceña* for appellee.

MELENCIO, J.:

The Court of First Instance of Leyte found appellant guilty of the crime of discharge of a firearm and sentenced him to six months and one day of *prisión correccional* and to pay the costs. The mitigating circumstance of voluntary surrender was considered in appellant's favor.

Appellant was a municipal councilor of Naval, Leyte. Pursuant to a resolution passed by the municipal council, appellant organized a group of volunteer workers to repair and clean an abandoned road in barrio Caraycaray. Complainant Leoncio Machete, a laborer by occupation, was one of those recruited. The work started in the morning of January 8, 1940, but for some reason or other, Machete arrived only in the afternoon of that day. Appellant inquired why he came late, to which Machete retorted, sarcastically, "Acaso, durante el tiempo español, si uno está atrasado, se castiga." Infuriated at the reply, appellant immediately drew out his gun and fired at Machete. Fortunately for Machete, he was able to duck in time, and the bullet whizzed past his head, imbedding itself in a *bunãga* tree. Then he raised up his hands and ran towards one Victorino Narido, who was nearby, using him as a shield against other possible shots. Appellant however did not fire anymore and left. Accompanied by rural policemen Santos Canasta and Procopio Sabornido, appellant later presented himself to the chief of police of Naval.

Appellant first denied having fired at complainant. He then claims that it was Machete who assaulted him with a bolo because Machete had resented the cutting of some of his bamboo trees by the volunteer workers. Machete also bore a long standing grudge against him for the reason that he testified against a brother of Machete on one occasion, and in another, he sided with another brother of Machete in a quarrel between the two. Appellant filed a complaint against Machete for assault against an agent of a person in authority, which was tried jointly with this

case. Machete was however acquitted by the lower court.

We entertain no doubt as to the guilt of appellant. Aside from the testimony of the offended party himself and his brother-in-law, Catalino Casas, the testimony of Santos Canasta strikes us as the faithful narration of the occurrence. Canasta heard the shot and was the one who extracted the bullet, Exhibit A, from the *bunãga* tree. Canasta was a rural policeman, appointed by appellant himself, and who, admittedly, had no motive whatsoever for testifying falsely against appellant.

True the witnesses for the prosecution have made contradictory statements. These contradictions are, however, inconsequential. They do not relate to the circumstances surrounding the commission of the crime but merely to the filing of the complaint in the justice of the peace court.

Appellant prays that the mitigating circumstance of having acted in vindication of a grave offense against his person be also considered in his favor. Machete's retort, it is alleged, implied that appellant was "a petty tyrant as were the local authorities under the Spanish government." This circumstance may be allowed by analogy on the authority of United States *vs. Ampar* (37 Phil., 20), which is summarized as follows:

"During a fiesta, the accused, a man 70 years of age, asked one Patobo for some roast pig. Patobo's answer was: 'There is no more. Come here and I will make roast pig of you.' With this as the provocation, a little later while the said Patobo was squatting down, the accused came up behind him and struck him on the head with an ax, causing death the following day. The lower court took into consideration the mitigating circumstance that the act was committed in the immediate vindication of a grave offense to the one committing the felony. The offense which the accused was endeavoring to vindicate would to an average person be considered as a mere trifle. But since to this defendant, an old man, it evidently was a serious matter to be made the butt of a joke in the presence of so many guests, it is proper to give the defendant the benefit of this mitigating circumstance."

There being two mitigating circumstances without any aggravating circumstance to offset them, the penalty provided by law is reduced by one degree, and appellant is hereby sentenced to three months and one day of *arresto mayor*. With this modification, the judgment of the lower court is affirmed, with costs against appellant.

Albert and Padilla, JJ., concur.

ENAGE, J.:

I reserve my vote.

REYES (H.), M., disidente:

Voto por la confirmación total de la sentencia.

No creo que lo dicho por el ofendido al apelante de que ya no se puede castigar a uno que llega tarde como en tiempo del Gobierno Español, no puede constituir ofensa grave y, por consiguiente, no puede considerarse como otra segunda atenuante, además de la ya apreciada por el Juzgado inferior, de haberse el acusado presentado voluntariamente a las autoridades.

Judgment modified.

[No. 6115. April 18, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
DAVID LLAGAS and URBANA NERI, defendants and appellants.

1. CONCUBINAGE; EVIDENCE; CONSENT OR PARDON AS A DEFENSE; MERE LAPSE OF TIME IS NOT SUFFICIENT TO PROVE THE SAME.—Where in adultery or concubinage cases, consent or pardon is the defense advanced, the rule is that the acts of consent or pardon should be established by unequivocal evidence. The mere lapse of time, which is satisfactorily explained, is not sufficient.
2. *Id.*; DEATH OF ONE OF THE ACCUSED; MOTION TO DISMISS THE CASE; EVIDENCE; PROOF OF DEATH, NOT CONCLUSIVE; REMEDY.—With respect to the motion to dismiss the case as against the accused Urbana Neri on the ground that she has recently died, it appearing that the name in the death certificate submitted is Urbana Nerie and therefore does not conclusively prove that she is no other than the accused Urbana Neri in this case, the motion is denied. However, when the judgment is executed, the lower court may allow the sureties to prove that she is the same person named in the death certificate, with the corresponding appropriate action thereafter.

APPEAL from a judgment of the Court of First Instance of Albay. Lesaca, J.

The facts are stated in the opinion of the court.

Rañola & Lorayes for appellants.

Solicitor-General Ozaeta and *Solicitor De los Angeles* for appellee.

MELENCIO, J.:

The two appellants, David Llagas and Urbana Neri were convicted by the Court of First Instance of Albay of the crime of concubinage. Llagas was sentenced to an indeterminate penalty of from 6 months of *arresto mayor* to two

years, eleven months and ten days of *prisión correccional* with the accessory penalties provided by law, and to pay one-half of the costs, while Neri was sentenced to *destierro* outside a radius of not less than 25 kilometers from the tower of the parrochial church of Jovellar, Albay, for two years, four months and one day, with the accessory penalties provided by law, and to pay one-half of the costs.

The evidence of record unravels the following facts: On February 15, 1928, in the town of Jovellar, Albay, appellant David Llagas and complainant Eufrosina *alias* Pucina Clamar were united in holy matrimony (Exhibit A). They settled down in the house of Pucina's father, Clemente Clamar. All went well in the beginning until David, forgetting his obligations as a good husband, indulged in the luxury of maintaining *queridas*. As a consequence frequent quarrels ensued and the peace of the home was disrupted. Rather than seek to restore the happiness of the home, David capped his exploits by adding his co-appellant, Urbana Neri, a relative by affinity of complainant, among his *queridas*. Pucina caught them in a compromising act in the conjugal abode. Pucina endured the humiliation, hoping for the best. But David proved implacably unfaithful and went to the extent of asking Pucina several times to let Urbana live with them. The wife of course refused. This refusal broke the home completely. David left the conjugal dwelling to live secretly with Urbana. This was towards the end of 1935.

For their love nest, they chose the house of Ludovico Napoles in the same municipality, which was constructed on land belonging to David. They often took walks, often bathed in the river together. One day it occurred to Ludovico to report to the abandoned wife the husband's clandestine trysts with Urbana. To this Pucina replied, "Déjalo primero porque cuando tenga pruebas contra ellos, presentaré denuncia."

Sometime in April, 1938, suspicious perhaps, man and concubine transferred to the house of one Leocadia Nota, also in the same municipality. In the meantime, complainant went to her brother in Paracale to seek the aid of constabulary authorities. She went back to Jovellar with two constabulary soldiers. Somehow, David learned about her move, and sensing danger he sent Urbana back to her own home. The detective work of the constabulary soldiers thus proved of no avail.

Months elapsed until November 25, 1938, when Urbana had to be taken to the Albay Provincial Hospital to deliver the fruit of her illicit relations with David. David was

seen carrying Urbana in his arms. They were also seen together when they embarked in a truck bound for the hospital. The child was born on the same day. Months afterwards, back in Jovellar, the three were often seen taking a walk, the child in David's arms.

With indubitable evidence now in her hands, Pucina filed a complaint for concubinage against appellants on March 10, 1939 (Exhibit B).

Appellant's defense is threefold. First, David denies having had illicit relations with his co-accused, Urbana Neri. He avers that Urbana came to live with her mother who was alone in the house in order to work for her and earn her living for herself and her children. Then, he insists that it was his wife who turned unfaithful to him, abandoning him in 1935 to live with another man, one Gregorio Pacheco. He explains that one afternoon, on June 15, 1935, when he returned home, he caught Pucina writing a letter. Pucina tore the letter and would not give it to him. Employing force, he was able to retrieve the letter which is Exhibit 2, purporting to contain amorous expressions. That evening Pucina escaped from the house, never to return. The next morning he went to look for her in the house of her father, but she was not there. Returning home, he opened her trunk and discovered that Pucina had taken her clothes with her.

But he found a towel in the trunk, Exhibit 3, bearing the printed words "My Love", and the name Gregorio Pacheco embroidered in golden threads.

It is easy enough to see through the falsity of appellants' defenses. The claim that Urbana merely stayed with David's mother in order to earn a living, is unbelievable. Only David testified to this effect; he was not even corroborated by Urbana herself. The claim that it was his wife who turned unfaithful is just as incredible. Exhibit 2, an unsigned, unaddressed and dateless letter, presents a different penmanship from that appearing in a genuine letter of Pucina (Exhibit 1). Exhibit 3, the towel allegedly given as a gift by Pacheco to Pucina, is to all appearances a fabricated evidence. The towel itself, dirty, old and unused, presents a striking contrast with the embroidered words "Gregorio Pacheco" which appear new and unwashed.

We cannot understand too why Urbana did not present her legitimate husband as a witness to clear her, if the charges against her are not really true. Questioned as to this, her discomfiture was apparent; she resorted to evasiveness and to amusing self-contradictions.

The third defense presented by appellants is that complainant Pucina had consented to their illicit acts or had pardoned them, in view of the length of time that she allowed to lapse before filing her complaint. Appellants cite *United States vs. Rivera and Vitug* (28 Phil., 13), *People vs. Ursula Sensano, et al.* (58 Phil., 73), *People vs. Guinucud and Tagayun* (58 Phil., 261), *People vs. Palangan, et al.* (G. R. No. 39730, prom. on March 21, 1934), *People vs. Villamor* (C. A.—G. R. No. 44357, 35 Off. Gaz., p. 1218), and *People vs. Carmen de Isaac* (C. A.—G. R. No. 1227). An examination of these cases reveal however that in all of them there were persuasive circumstances which led the court to conclude that consent or pardon was present. Thus in *United States vs. Rivera*, aside from the lapse of 10 years before filing her complaint, the offended party and her husband executed a public document of separation, due, according to them, to incompatibility of character; and both renounced any right that the one might have against the other. In *People vs. Guinucud*, there was also a contract of separation between husband and wife. In *People vs. Sensano*, the complainant husband abandoned his wife, who later had illicit relations with another man; and he had her prosecuted for the purpose, so he declared, of obtaining a divorce from her. In *People vs. Isaac*, the complainant husband allowed 11 years to elapse before filing his complaint, and he himself was living maritally with another woman with whom he had two children. He filed the complaint in order to divorce his legal wife and marry his concubine. In *People vs. Palangan*, the complainant husband abandoned his wife; allowed seven years to elapse before filing his complaint, and it was only after a child was born to his wife that he felt sufficiently outraged.

The instant case therefore is readily differentiated from the foregoing cases. It is not vitiated by similar circumstances. The lapse of time herein has plausible explanation. Complainant delayed the institution of the case because she was after sufficient evidence to insure the conviction of appellants. She knew that her husband was clever and resourceful. The birth of the child to his concubine was the event she was waiting for, and soon after that she filed her complaint. There has, therefore, been no inexcusable delay; neither is there proof of actual consent or pardon.

Where in adultery or concubinage cases, consent or pardon is the defense advanced, the rule is that the acts of consent or pardon should be established by unequivocal

evidence. The mere lapse of time, which is satisfactorily explained, is not sufficient. So it has been held in *People vs. Rosales* (C. A.—G. R. No. 1219), which we believe is the case applicable under the circumstances:

“Del proceder del ofendido, no podemos inferir, como sostiene la apelante, que había consentido o prestado su aquiescencia en el adulterio de su esposa, y que por tanto, no puede legalmente incoar proceso criminal contra ella por dicho delito. Las pruebas demuestran que durante el tiempo transcurrido desde que la apelante abandonó el hogar conyugal, su esposo estuvo observando su conducta con el sólo objeto de reunir pruebas contra ella, y el año 1935, creyendo tener lo suficiente con las que contaba, presentó su denuncia, pero no llegó a llevarla a cabo por haberse negado el juez de paz a darla curso. La conducta del ofendido no es la hipocresía de uno que tácitamente se aviene a ser engañado por su mujer. El mismo interés que ha desplegado por reunir datos y sorprender a ella con su amante en el acto de cometer adulterio, rechaza la idea de consentimiento de su parte. El ofendido intentó presentar su denuncia no una, sino dos veces, pero, desgraciadamente, la primera no prosperó por falta de pruebas. Esto indica que nunca había perdido sus rasgos de nobleza y que, herido en lo más caro de sus sentimientos, buscaba reparación del ultraje cometido contra él y su hogar. *El mero lapso de tiempo transcurrido, determinado por circunstancias ajenas a su voluntad y que explican satisfactoriamente la demora de la acción criminal contra la esposa culpable y su amante, no es en sí prueba suficiente de consentimiento, con arreglo al artículo 334 del Código Penal Revisado.* (Cali contra Sahagun, et al., 2 Jur. Fil., 447; Mortiga contra Serra, 5 Jur. Fil., 35.)”

For the reasons stated the judgment of the lower court is affirmed, with costs against appellants.

With respect to the motion to dismiss the case as against appellant Urbana Neri on the ground that she has recently died, it appearing that the name in the death certificate submitted (Exhibit A) is Urbana *Neric* and therefore does not conclusively prove that she is no other than the appellant Urbana Neri in this case, the motion is denied. When the judgment is executed, the lower court may allow the sureties to prove that she is the same person whose death certificate is Exhibit A, with the corresponding appropriate action thereafter.

Albert, Padilla, and Enage, JJ., concur.

Judgment affirmed.

[No. 6940. April 30, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
AMANCIO PASCUA, ET AL., defendants and appellants.

1. ELECTIONS; ELECTION INSPECTORS; DISCRETION OF ELECTION INSPECTORS REGARDING ADMISSION AND REJECTION OF BALLOTS; LIMITATIONS.—Election inspectors are vested with a certain amount of discretion regarding the admission and rejection of ballots. This discretion to reject a ballot must however be based on some legitimate grounds, such as that the ballot is marked, that the names of the candidates voted on are illegible, that the persons voted on have not filed their certificates of candidacy, and the like. Election inspectors cannot reject ballots on grounds purely capricious.

2. *Id.*; *Id.*; DUTY OF ELECTION INSPECTORS PARTAKES OF A PUBLIC TRUST; BALLOTS; LIBERAL CONSTRUCTION.—The duty of election inspectors partakes of a public trust. In a sense they are representatives of the people at the polls. Axiomatically, that trust must be fulfilled with the utmost fidelity. If they pervert it they flout the sovereign will of the people and they undermine the very foundations of democratic institutions. Each ballot, as the expression of the will of the electorate, carries a mandate which election inspectors are primarily called upon to respect in their canvass of the returns, otherwise clean elections would be a myth. To reject ballots that are manifestly valid is to transgress against democracy itself; it is to sow the seeds of discontent if not of potential convulsions. Election inspectors are supposed to construe ballots liberally so as to effectuate the will of the electorate.

APPEAL from a judgment of the Court of First Instance
of Rizal. Platon, J.

The facts are stated in the opinion of the court.

Vicente Ampil for appellants.

Assistant Solicitor-General Amparo and *Solicitor Umali*
for appellee.

MELENCIO, J.:

Amancio Pascua, Jose Cruz Fernandez and Alfonso Javier were indicted for a violation of the Election Law in that, in the elections held in the municipality of Cainta, Rizal, on December 14, 1937, they criminally made a false count of the ballots cast in precinct No. 1, by adjudicating to Julian Buenviaje, candidate for mayor, less number of votes than what were lawfully cast in his favor. They were also charged with maliciously failing to furnish the watchers present during the counting, despite the watchers' repeated requests, with a certificate of the number of votes cast for each candidate for provincial and municipal offices, after the publication of the result of the counting and before retiring; and also for not preparing and placing

in the ballot boxes the corresponding tally sheets and election returns. The case (criminal case No. 10826 below) was tried jointly with criminal cases Nos. 10587 and 10828 (the latter is pending in this Court as C. A.—G. R. No. 6941), which relate to similar charges against two other sets of inspectors in the same municipality. Alfonso Javier was acquitted of all the charges for the reason that being only the secretary of the board of inspectors, he had no voice or vote in the actuations of the board. The other two defendants were found guilty only of the first charge under Section 2635 of the Revised Administrative Code, for making a false count of the ballots cast in the precinct, and were each sentenced to 6 months' imprisonment, to pay a fine of ₱200 with subsidiary imprisonment in case of insolvency, with deprivation of the right of suffrage and disqualification from public office for a period of seven years, and to pay the costs proportionately.

Amancio Pascua and Jose Cruz Fernandez were chairman and member, respectively, of the board of inspectors of precinct No. 1 of the municipality of Cainta, Rizal, during the general elections of December 14, 1937. The candidates for mayor of the municipality were Jesus Ampil and Julian Buenviaje. Ampil had the majority of the inspectors, and it was to his faction that appellants belonged. During the counting of the ballots, appellants refused to count sixty-one ballots (Exhibits O-1 to O-61) legally cast for Julian Buenviaje in the precinct. For this reason, Segundo Salazar, minority inspector, protested and to identify the rejected ballots, he made appellants affix their initials at the back of each and every rejected ballot, and he wrote the word "totol" (objection) thereon.

It is not denied that appellants rejected the sixty-one ballots. They aver however that it was an error of judgment and that they were not actuated by bad faith.

But a casual examination of the rejected ballots would suffice to convince a person of rudimentary intelligence that practically all of them are clearly valid votes cast in favor of Julian Buenviaje. If not the complete name "Julian Buenviaje" was written, it is "J. Buenviaje", in as clear a writing as could be expected. In fact the name appears on the rejected ballots as clearly, and in many cases, clearer than in the ballots accepted. We have examined the ballots and we are satisfied that their rejection, with the possible exception of one, was absolutely unjustified.

In having rejected them for no reason at all, appellants unquestionably violated Section 2639 of the Administrative Code, which reads:

"SEC. 2639. *Fraud of officer in receiving or counting bal-*

lots—Failure to perform official duty.—Any member of any board of registration, board of inspectors, or board of canvassers, who knowingly makes any false count of ballots or votes, * * * or who wilfully makes or signs a false statement or declaration of the result of a ballot, vote, or election * * * or who wilfully makes any false count or canvass or who wilfully declines or fails to perform any duty or obligation imposed by the Election Law, * * * shall be punished by imprisonment for not less than one month nor more than five years and by a fine of not less than one hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification for public office for a period of not less than seven years nor more than fourteen years.”

It is conceded that election inspectors are vested with a certain amount of discretion regarding the admission and rejection of ballots. This discretion to reject a ballot must however be based on some legitimate grounds, such as that the ballot is marked, that the names of the candidates voted on are illegible, that the persons voted on have not filed their certificates of candidacy, that the ballot contains initials only, and the like. Election inspectors cannot reject ballots on grounds purely capricious.

The duty of election inspectors partakes of a public trust. In a sense they are representatives of the people at the polls. Axiomatically, that trust must be fulfilled with the utmost fidelity. If they pervert it they flout the sovereign will of the people and they undermine the very foundations of democratic institutions. Each ballot, as the expression of the will of the electorate, carries a mandate which election inspectors are primarily called upon to respect in their canvass of the returns, otherwise clean elections would be a myth. To reject ballots that are manifestly valid is to transgress against democracy itself; it is to sow the seeds of discontent if not of potential convulsions. Election inspectors are supposed to construe ballots liberally so as to effectuate the will of the electorate.

“The first and principal thing to be here stated is that the voters should be encouraged to write their own ballots so far as possible, and *it is the bounded duty of every person conducting an election to assist in the attainment of the freest possible expression of the will of the voters themselves. Consistently with this, the utmost liberality of construction must be observed in reading the ballots, with a view to giving effect to the intention of the voters.* Where many are illiterate, the minor blemishes found on the ballots may be expected to exhibit great variety, including errors of spelling, the casual making of blurs and erasures,

to which may be added unnecessary touches and flourishes with the pencil. None of these blemishes can be considered as affecting the validity of the ballot, where an honest intention on the part of the voter to vote for certain persons is discernible in the ballot. With respect to errors of spelling or lack of finish in the written name, it may be said that *no honest mistake, due to ignorance or illiteracy, should be permitted to defeat the intention of the voter, if that intention is discoverable*; and in this connection the utmost liberality of construction must prevail. (Valenzuela vs. Carlos, 42 Phil., 428.)

The judgment of the lower court will be affirmed in every respect, with proportionate costs against appellants. *Albert, Padilla, and Enage, JJ., concur.*

Judgment affirmed.

[No. 7323. May 5, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, vs.
CIPRIANO PADUA, defendant and appellant

1. CRIMINAL LAW; SELF-DEFENSE; REASONABLE MEANS TO REPEL AGGRESSION, RULE OF; APPLICATION; EXCEPTION; INSTINCT OF SELF-PRESERVATION.—The rule of reasonable necessity of the means employed to prevent or repel an aggression is not iron-clad in its application; it depends on the circumstances of a particular case. One who is assaulted often does not have the time nor sufficient tranquility of mind to think, to calculate, and to choose which weapon to use. The reason is obvious: "in emergencies of this kind, human nature does not act upon processes of formal reason but in obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and to hold the actor irresponsible in law for the consequences" (People vs. Lara, 48 Phil., 153).
2. ID.; ID.; WEAPONS; DAGGER OR KNIFE, WHEN USE OF THE SAME IS REASONABLE.—Altho as a general rule a dagger or knife is more dangerous than a club, the use of a knife or dagger must be deemed reasonable if it cannot be shown that the person assaulted had other available means and could coolly choose other less deadly weapons to repel the assault. (Decision, Supreme Court of Spain, October 3, 1887.)

APPEAL from a judgment of the Court of First Instance of Cagayan. Hilario, J.

The facts are stated in the opinion of the court.

Juan U. Acebedo for appellant.

Assistant Solicitor-General Amparo and *Acting Solicitor Bautista* for appellee.

MELENCIO, J.:

Appellant was convicted in the Court of First Instance of Cagayan of serious physical injuries and sentenced to

an indeterminate penalty ranging from six months of *arresto mayor* to two years, eleven months and ten days of *prisión correccional*, with the accessories of the law, to indemnify the offended party in the sum of ₱149, and to pay the costs. In this instance appellant contends that having acted in self-defense and in defense of his father and mother, his act which resulted in the injury of the offended party, the aggressor, is justifiable under paragraphs 1 and 2 of article 11, Revised Penal Code.

The occurrence is readily narrated. Leoncio Guillermo was a suitor of Martina Padua, daughter of Rufino Padua, and sister of appellant Cipriano Padua. In the evening of November 26, 1934, Leoncio Guillermo, accompanied by his uncle Braulio Ignacio, the offended party, went to the house of Rufino Padua in barrio Cabaritan, municipality of Ballesteros, Province of Cagayan, to ask for Martina's hand in marriage. Once in the house, Braulio made known the purpose of their visit to Rufino Padua and his wife Restituta de la Cruz. The spouses objected vigorously to the match because Martina and Leoncio were relatives. But Braulio would not brook a negative answer and threatened the parents if they did not agree. During the heated altercation that ensued, Braulio gave Rufino and his wife Restituta fist blows successively. Rufino was able to dodge the blow but Restituta was hit in the abdomen and she slumped to the floor. At this instance, the accused, Cipriano Padua, intervened but was also boxed by the complainant. Chancing upon a bolo on the wall, Cipriano struck Braulio with it, wounding him in the forehead and the right eye. He did not strike him again. Braulio fell unconscious on the floor. Leoncio then reported the incident to the local authorities. The accused admitted that he inflicted the injury and was arrested that same night. As a result of his injury Braulio's right eyeball was totally destroyed and he was disabled to perform his usual occupation for a period of one month.

The Solicitor-General concedes, correctly, that the provocation and the unlawful aggression came from the offended party. The only remaining question is whether or not the means employed by the appellant was reasonable so as to constitute a justifiable act of defense of himself and of his parents.

We are of the opinion that under the circumstances appellant merits an acquittal. Considering that complainant Braulio Ignacio provoked the incident and started the aggression; considering that Braulio was of violent temperament, troublesome, strong and aggressive, with three criminal convictions to his record, twice of maltreatment

by deed and case of threats to kill; considering that he wanted to impose his will on appellant's family for having rejected his nephew, boxing them one after the other, and in their own home—considering all the foregoing, appellant's act was fully justified.

The rule of reasonable necessity of the means employed to prevent or repel an aggression is not iron-clad in its application; it depends on the circumstances of a particular case. One who is assaulted often does not have the time nor sufficient tranquility of mind to think, to calculate, and to choose which weapon to use. The reason is obvious: "In emergencies of this kind, human nature does not act upon processes of formal reason but in obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and to hold the actor irresponsible in law for the consequences" (*People vs. Lara*, 48 Phil., 153).

So it has been held that during an unlawful aggression, in the course of the fight and so long as there is danger to the life or limbs of the one assaulted, the latter is entitled to repel the danger by wounding his adversary, and, if necessary, render him powerless (*U. S. vs. Domen*, 37 Phil., 57). Likewise, it has been held that if a person enters the dwelling of another and attacks one of the inmates thereof, the latter is justified in defending himself with such weapons as are at hand, and if from the defense thus made the aggressor dies, it is attributable to his own wrongful act (*U. S. vs. Brelle*, 9 Phil., 424).

Altho as a general rule a dagger or a knife is more dangerous than a club, the use of a knife or dagger must be deemed reasonable if it cannot be shown that the person assaulted had other available means and could coolly choose other less deadly weapons to repel the assault. (Decision, Supreme Court of Spain, October 3, 1887.)

Guided by the foregoing considerations, we hold that appellant acted justifiably in defense of his parents and of himself, and he is hereby acquitted, with costs *de oficio*.

Albert, Padilla, and Enage, JJ., concur.

Judgment reversed.

[No. 5878. May 10, 1941]

AGAPITO BELTRAN, plaintiff and appellee, *vs.* JUANITO BELTRAN Y MACASPAC, ET AL., defendants and appellants.

EVIDENCE; ESTOPPEL; ACQUIESCENCE AND TACIT APPROVAL TO AN ACT; FAILURE TO DISCLOSE ONE'S OWN INTEREST; MINORITY,

UNAVAILABLE.—A person who not only stood by and permitted his sister to sell a certain parcel of land in its entirety as her exclusive property but even signed the deed of sale as a witness, an act of acquiescence and tacit approval upon which the purchasers presumably relied, is estopped from afterward claiming a portion of said land as his property. The fact that at the time he signed the deed of sale as a witness he was a minor—a little over 19 years of age—would not be of any excuse for him.

APPEAL from a judgment of the Court of First Instance of Pampanga. Paredes, J.

The facts are stated in the opinion of the court.

Gerardo S. Limlingan for appellants.

Lagman & Lagman for appellee.

MONTEMAYOR, J.:

The following facts are not disputed:

The plaintiffs Agapito Beltran and his sister Miguela Beltran were children of the deceased Lucio Beltran. Miguela, sometime in 1913, married Raymundo Macaspac. As shown by Exhibit 2, on April 3, 1928, Miguela and her husband Raymundo executed a deed purporting to sell to Pedro P. Santos and his wife Raymunda Beltran, a parcel of land with an area of 83 ares and 83 centares, covered by tax declaration No. 19678 supposed to belong to the heirs of Lucio Beltran (Exhibit B), for the sum of ₱1,000 subject to repurchase within five years. This deed was signed by Agapito Beltran as a witness. In 1929, Felix Mendoza obtained possession of the same land, and upon his death in 1930, his two children Demetrio Mendoza and Raymunda Mendoza succeeded him in the possession of said parcel and continued it up to the present time. Miguela Beltran died in 1929 and was survived by her husband Raymundo Macaspac and her four children Juanito, Sola, Lina and Eloy, all surnamed Macaspac.

Agapito was born on March 24, 1909. He has brought this action against Demetrio Mendoza and Raymunda Mendoza to recover the possession of the entire parcel already mentioned, have himself declared the owner of one-half thereof and have the other half declared the property of the four children of Miguela, whom he includes in the suit as defendants. He asks for the partition of the land between himself and his nephews and nieces and for damages, from Demetrio and Raymunda Mendoza for the net products of the land since 1929. After trial, the lower court rendered judgment adjudicating one-half of the parcel to the plaintiff and the other half to the defendants surnamed Macaspac, condemning Demetrio and Raymunda to deliver the possession of one-half of the parcel including

40 cavans of palay or their value at ₱3 per cavan, for each year from 1929 to Agapito Beltran. Demetrio and Reymunda have appealed from that decision.

The theory of the plaintiff is that the land in question was inherited by him and his sister Miguela from their father Lucio; that in 1928, Miguela sold one-half thereof to Pedro P. Santos and Raymunda Beltran; that the land was repurchased after one year, but that Raymundo Macaspac and his wife Miguela borrowed ₱200 from Felix Mendoza in 1929 giving the land as security; that until now this loan has not been paid and that is the reason why the land is still in the hands of the children of Felix, Demetrio and Raymunda Mendoza.

The appellants, however, claim that the sale made in 1928 as evidenced by Exhibit 2 in favor of Pedro P. Santos and his wife Reymunda Beltran was of the whole parcel; that on January 14, 1929, as stated in Exhibit 1, Santos and his wife Raymunda sold their rights to the land to Felix Mendoza for the sum of ₱1,000; that the land was never repurchased within the period of five years as stipulated in Exhibit 2; and that as a result said entire parcel now belongs to Demetrio and Raymunda Mendoza as heirs of their father Felix.

After a careful perusal of the record and a consideration of the circumstances surrounding this case, we are inclined to accept the theory of the appellants and to find that the land now belongs to said appellants. In the first place, outside of the statement of Raymundo Macaspac that only one-half of the property belonged to his wife Miguela, and that the other half pertained to Agapito Beltran, there is no competent evidence that Agapito had any right to any portion of the property. The claim of Agapito to one-half of the land is based on what people told him for the reason that he was only an infant, when his father Lucio died and he learned, according to him, that one-half of the property belonged to him as a coheir only in 1927.

On the other hand, Raymundo Macaspac himself said that since he married Miguela in 1913, he began working the entire parcel. This is an indication that Miguela inherited the entire property. There is no proof that he or his wife Miguela had given any part of the products to Agapito since that year 1913 until the parcel was sold by them in 1928. But even assuming that Agapito were entitled to one-half of the land, his action in signing the deed Exhibit 2, though as a witness, now estops him from claiming said portion. The deed Exhibit 2 describes and refers to the parcel in question as the absolute property of Miguela, inherited by her from her father Lucio Beltran.

Agapito not only stood by and permitted his sister to sell the entire parcel as her exclusive property but even signed the deed, and Pedro Santos and his wife presumably relying upon this acquiescence and tacit approval by Agapito, bought the property for ₱1,000. It is true that at the time the deed was executed, Agapito was a little over 19 years of age. But he was a third year high school student, and according to him he already knew that one-half of the land belonged to him.

"In some of the cases the estoppel of one not a party to a transaction involving real property, by failure to disclose his interest in the property, to assert an interest therein, is predicated upon the theory of acquiescence. Thus, it has been stated in several cases that there can exist an implied as well as 'an express assent—for example, where a man, who has a title and knows of it, stands by and either encourages, or does not forbid, the purchase, he shall be bound, and all claiming under him. *Neither shall infancy nor coverture be any excuse in such case.* And this seems a just punishment for his concealing his right, by which an innocent man is drawn in to lay out his money.' In other words, when a party, with a full knowledge of his own rights, by his silence, intentionally permits others to be deceived and misled in relation to them, he will not afterward be authorized to interpose his claim to the prejudice of the parties thus deceived and misled. Silence, under such circumstances, is assent. By that assent, good faith and fair dealing require that he should be bound." (19 American Jurisprudence, p. 753.)

As to the nature of the deed Exhibit 2, there is no question that it was a sale and conveyance. Both Raymundo Macaspac and his brother-in-law, Agapito Beltran, in their testimony admitted that it was a sale, claiming of course that it was only of one-half of the parcel. This claim of course can not be accepted. The deed Exhibit 2 is clear and explicit in the sense that the entire parcel was being sold. Moreover, if we consider the fact that the sales price was ₱1,000, it is unreasonable to hold that only one-half of the parcel whose entire area as already stated is only 83 ares and 83 centares was being sold for this relatively considerable amount.

As to the claim of Raymundo Macaspac that the land was repurchased by him and his wife from Pedro Santos and his wife Raymunda, the evidence does not support this claim. Raymundo Macaspac admits that no document was executed either cancelling the deed of sale Exhibit 2 or reconveying the land to the vendors. Neither is the contention that the same land after being repurchased, was

mortgaged or given as security to Felix Mendoza to secure the payment of a loan of ₱200, supported by the evidence. No document was exhibited evidencing either the loan or the mortgage. On the other hand, we have the claim of the appellants to the effect that the rights of Pedro Santos and his wife Raymunda were sold to Felix Mendoza, for ₱1,000 and that because of the failure to repurchase the land within five years, that is to say, in 1933, the appellants thru inheritance consolidated their title to the land. This claim of the appellants is corroborated by Exhibit 1 and its translation, 1-A, which is an affidavit executed by Pedro Santos and Raymunda Beltran testifying to the sale made by them of their rights to the land in 1929 to Felix Mendoza. This was made necessary because, according to the appellants, the original deed in favor of Felix Mendoza was lost.

In view of the foregoing, the judgment appealed from is hereby reversed and the appellants are hereby declared to be owners of the land in question. Agapito Beltran will pay the costs in both instances. So ordered.

Paras, Imperial, and Hontiveros, JJ., concur.

Judgment reversed.

[No. 6780. May 10, 1941]

MIGUEL MABUNZA, plaintiff and appellee, *vs.* DOMINGO ESPIRITU and RUFINA SOSA, defendants and appellants.

EXECUTION; PROPERTIES EXEMPT FROM EXECUTION; HOMESTEAD; CODE OF CIVIL PROCEDURE, SECTION 452.—Section 452 of the Code of Civil Procedure, as amended, refers to a homestead of the judgment debtor at the time of the levy and execution sale and not afterwards. Otherwise, a judgment debtor who is well-to-do or even wealthy, having a house where he does not live could, years afterwards, annul the execution sale of said house if he had, by reverses of fortune, lost all his other properties except said house, by merely going to live in it, though against the opposition of the purchaser at the execution sale.

APPEAL from a judgment of the Court of First Instance of Marinduque. Peña, J.

The facts are stated in the opinion of the court.

Panfilo M. Manguera for appellants.

Jose L. Lopez for appellee.

MONTEMAYOR, J.:

The facts involved in this case are quite simple and clear.

By virtue of a writ of execution issued by the justice of the peace of Buenavista, Marinduque, is civil case No. 76, entitled "Teofilo R. Sevilla, versus Domingo Espiritu and

Rufina Sosa," the *solar* or residential lot with a *camarín* on it, situated in the población of Buenavista and described in the second paragraph of the present complaint was sold to Miguel Mabunga on July 25, 1934, for the sum of ₱134.40, by the provincial sheriff of Marinduque. Having failed to repurchase the property within one year, as shown by Exhibit B, the same sheriff executed a final deed of conveyance to the purchaser on August 12, 1935. Mabunga tried to take possession but Domingo Espiritu and Rufina Sosa refused to vacate the premises, claiming that it was exempt from execution and that consequently, the sale by the sheriff to the plaintiff was void. The plaintiff brought this action to have himself declared owner of the *solar* and *camarín* and to oust the defendants therefrom. After trial the lower court rendered judgment in favor of the plaintiff declaring him owner of the property involved and ordering the defendants to vacate the same and to pay the costs. The defendants have appealed from that decision.

The whole contention of the appellants is that the *solar* and *camarín* were exempt from execution for the reason that they were living in the *camarín*; that the property was their homestead within the meaning of section 452 of the Code of Civil Procedure as amended by Act No. 3862, and that the price paid at the execution sale in the sum of ₱134.40 is the best proof that said homestead was less than ₱300 in value. To begin with, it is not shown that at the time of the levy and even during the execution sale, the defendants ever made such claim of exemption, much less proved that the property was exempted. In the second place, the evidence clearly shows that at the time of the levy and execution sale, the *solar* and *camarín* could not possibly be regarded as the homestead of the defendants for the reason that they were living in another house built on a different parcel of land. They admitted that they came to live in the *camarín* sometime in 1937, when their old house built on a different lot was demolished by a baguio.

It is obvious that section 452 of the Code of Civil Procedure, as amended, refers to a homestead of the judgment debtor at the time of the levy and execution sale and not afterwards. Otherwise, a judgment debtor who is well-to-do or even wealthy, having a house where he does not live, could, years afterwards, annul the execution sale of the said house if he had, by reverses of fortune, lost all his other properties except said house, by merely going to live in it, though against the opposition of the purchaser at the execution sale.

Furthermore, there is no proof that the defendants had no other property besides the lot and camarin. On the contrary, it seems that the defendant Rufina Sosa who owns the *solar* and *camarin* in question had inherited other properties from her father Pio Sosa but that there had not yet been a partition thereof among the heirs including Rufina.

Finding no reversible error in the decision appealed from, the same is hereby affirmed with costs against the appellants.

*Paras, Pres. J., Imperial, and Hontiveros, JJ., concur.
Judgment reversed.*

[No. 6272. May 31, 1941]

EMILIO M. JAVIER, plaintiff and appellant, *vs.* MARCELO ENRIQUEZ, defendant and appellee.

SALE; WARRANTY IN CASE OF EVICTION; SUMMONS UPON THE VENDOR IN EVICTION CASE, OBJECT OF; WAIVER OF RIGHT TO BE PARTY DEFENDANT.—The object of the law in requiring formal summons to be served upon the vendor in an eviction case is to give him an opportunity to show that the action interposed against his vendee is unjust (10 Manresa, 4th ed., p. 199). If the vendor does not care to avail himself of such opportunity because he realizes that he does not have any defense, while his appearance in the case would be more harmful than beneficial due to his bad record, he may be deemed to have waived his right to be made a party in the eviction case and is, therefore, not released from his warranty.

APPEAL from a judgment of the Court of First Instance of Negros Oriental. Cabahug, J.

The facts are stated in the opinion of the court.

Javier, Galicano & Calo for appellant.

No appearance for appellee.

REYES (A.), J.:

Marcelo Enriquez and his wife, Francisca Pineyro, now deceased, sold two parcels of land to Emilio Javier for ₱800. The deed of sale contained the usual covenant of warranty in case of eviction. Javier later sold the property to Leodegario Montejar; but after the latter had taken possession thereof, he and Javier were sued by Maria Bernard, who claimed a prior right to the land as purchaser in an execution sale for the satisfaction of a judgment rendered against Marcelo Enriquez. Javier and Montejar lost in that suit, and the property was adjudicated to Maria Bernard.

The present action was brought by Javier against Marcelo Enriquez for the recovery of the price paid by him for the land together with damages and expenses of suit. The lower court absolved defendant from the complaint on the ground that he had not been summoned or made a party in the case brought by Maria Bernard against Javier and Montejar. From this decision, plaintiff has appealed.

Under article 1481 of the Civil Code, the vendor shall be bound to make good the warranty whenever it is proved that he was given notice, at the instance of the vendee, of the suit for eviction. The next succeeding article says that this notice shall be made in the manner established in the Law of Civil Procedure for the summoning of defendants. As the Spanish Law of Civil Procedure is no longer in force, our Supreme Court has held that the article must now be considered as referring to the present Code of Civil Procedure (Jovellano and Joyosa *vs.* Loalhati, 47 Phil., 371) and intimates that the proper procedure would be to bring in the vendor as defendant in the eviction case.

It is admitted that the present defendant, Marcelo Enriquez, was not made a party defendant in the case for eviction. But the preponderance of evidence shows that defendant had full knowledge of the existence of said case and even coöperated with the present plaintiff in the preparation of the evidence; that after the case was decided in the Court of First Instance, he and plaintiff agreed to appeal the case, defendant promising to pay all the expenses of appeal; and that after the case had been decided in the Supreme Court, defendant also promised plaintiff to reimburse him what he had paid for the land. This, however, plaintiff has not fulfilled, and hence this action.

It is obvious from the evidence that if defendant was not made a party in the eviction suit it was because he and plaintiff realized that he did not have any defense and that as he had been convicted of swindling it was thought that his appearance might only prejudice the case. It should be said in this connection that we cannot give credence to defendant's testimony to the effect that at the time the eviction case was tried, he was not in the provincial capital, having gone to another place to accept a job offered him by one Jose de la Viña through a telegram presented in evidence as Exhibit 3. It is to be noted that this telegram, which is supposed to contain the said offer, is dated November 1, 1930, whereas the parties agree that the trial of the eviction case took place on April 21 of the same year.

The question, therefore, for determination is whether the vendor who is informed of the existence of the eviction suit against the vendee, coöperates with the latter in the preparation of the evidence, and promises to return the consideration for the sale and pay the expenses of suit if the vendee loses, may not be made to answer for his warranty just because he has not been formally joined or summoned as a party defendant in the eviction case. Our opinion is that the vendor should be made answerable. And in adopting this opinion, we are not necessarily deviating from the law as construed by our Supreme Court in the case of *Jovellano and Joyosa vs. Loalhati (supra)*. Obviously, the object of the law in requiring formal summons to be served upon the vendor in the eviction case is to give him an opportunity to show that the action interposed against his vendee is unjust (10 Manresa, 4th ed., p. 199). In the present case, however, it is plain from defendant's conduct that he did not care to avail himself of such opportunity because he realized that he did not have any defense, while his appearance in the case would be more harmful than beneficial because of his bad record. In the circumstances, we think it may be rightfully held that defendant waived his right to be made a party in the case.

In view of the conclusion above expressed, the judgment below must be as it is hereby reversed, and another should be entered sentencing defendant to pay plaintiff (1) the sum of ₱800, which was the consideration for the sale, (2) the sum of ₱200 representing the value of the improvement constructed by the plaintiff on the land bought, (3) the costs paid by plaintiff in the eviction case, all with interest at the legal rate from the filing of the complaint herein, and (4) the costs of the present case. So ordered.

Bengzon, Tuazon, and Torres, JJ., concur.

Judgment reversed.

[No. 6287. June 10, 1941]

LUIS SAMSON, plaintiff and appellant, *vs.* ARISTEO UBALDO, defendant and appellee.

1. PHYSICIANS AND PATIENTS; ACTION FOR DAMAGES DUE TO UNSUCCESSFUL OPERATION; NEGLIGENCE; "RES IPSA LOQUITUR", NOT APPLICABLE; EVIDENCE; BURDEN OF PROOF OF NEGLIGENCE; EXPERT TESTIMONY, NECESSARY.—The gravamen of a case where a patient brings an action for damages against his physician who performed an operation upon him is negligence, and negligence cannot be inferred from the fact alone that the operation was unsuccessful. (*Haire v. Reese*, 7 Phila. 138; Bon-

net v. Foote, 47 Colo. 282, 28 L. R. A. [H. S.] 136, 107 Pac. 252.) The maxim, "res ipsa loquitur," has no application to a case of this character. (Ewing v. Coode [C. C.] 78 Fed. 442). Negligence is not to be presumed; it must be proved (Reino v. Montana Mineral Land Development Co. 38 Mont. 291, 99 Pac. 853), and plaintiff is required to assume the burden of proving the negligence charged and that the infection resulted proximately from such negligence (3 Whart. & B. Hed. Jur. 500). From the very nature of the case, each of these ultimate facts required for its proof the testimony of one qualified to give an expert opinion (Pettigrew v. Lewis, 46 Kan. 78, 26 Pac. 452), and in the absence of such testimony the case failed. (Laudon v. Scott, 58 Mont. 645, 194 Pac. 488.)

2. PHYSICIANS AND SURGEONS; LIABILITY OF PHYSICIANS FOR DAMAGES TO PATIENTS, EXTENT OF; NEGLIGENCE, ABSENCE OF HONEST ERROR OF JUDGMENT.—A physician or surgeon is not always liable for malpractice because of a bad result. He is not liable for injuries arising, without negligence, from honest errors of judgment. He is not an insurer. He would be negligent if, knowing certain precaution to be essential, he failed to take the necessary measure to prevent accident.

APPEAL from a judgment of the Court of First Instance of Manila. Abeto, J.

The facts are stated in the opinion of the court.

A. E. Beltran for appellant.

Cardenas & Casal for appellee.

TUASON, J.:

This is an action to recover damages for alleged negligence on the part of defendant in his operation on plaintiff for cataract.

It appears that plaintiff had senile or mature cataract in the left eye and consulted defendant, who is a physician specializing in eye, ear, throat and nose diseases. Defendant decided upon an operation and, after making certain preliminary tests, removed the cataract on July 15, 1937, in the Philippine General Hospital. Following the operation the ailing eye was infected with hypopyon, which "is a collection of pus in the anterior chamber, consisting of polymorphonuclear leucocytes," and as a result, the sight of that eye was totally impaired. It was found after the operation that plaintiff was suffering from advanced pyorrhea.

It is the contention of plaintiff that the infection was directly due to his diseased teeth, and he charges defendant with negligence in not discovering that malady before subjecting him to an operation.

The evidence fails to establish in a definite manner that pyorrhea was the cause of the infection in plaintiff's eye. While pyorrhea may have affected plaintiff's eye, other possible sources of the infection here complained of have

by no means been eliminated. Such other sources were many and as potent. In a lecture on cataract published in the American Journal of Ophthalmology for March, 1937, Lieut. Col. B. E. Wright says:

"The mere fact of operating on an eye may be sufficient to start up some unknown latent factor. It seems useless to speculate as to cause, when the etiology of iritis is largely on accumulation of unproved hypotheses. We have given up blaming teeth and tonsils, or falling back on other varieties of focal sepsis; that is to say, local actions determined by a circulating bacterial toxin or bacteremia developed at an extra-ocular site, or lighting up of latent organismal invasion."

Defendant vehemently refuses to admit that pyorrhea was responsible for the unfortunate results of operation. He says it is difficult to determine the cause of infection in this case and that one can only indulge in conjectures.

Dr. Bernabe M. Villapando as witness for plaintiff expresses the opinion that if a patient has pyorrhea in an advanced stage, discharging pus, it is not advisable to perform an operation on him. However, this witness does not seem to be certain of his ground, for he says, "*La piorrea tal vez podía ser la causa de la infección.*" Then he admits that in all his practice since 1920, he has had only about twenty-five operations for cataract, all in Lucena, Tayabas, five or six years before the date on which he testified.

In this state of the evidence defendant can not be held responsible for damages. The gravamen of this case is negligence and negligence cannot be inferred from the fact alone that the operation was unsuccessful. (*Haire v. Reese*, 7 Phila. 138; *Bonnet v. Foote*, 47 Colo. 282, 28 L. R. A. [N. S.] 136, 107 Pac. 252.) The maxim, "*res ipsa loquitur*," has no application to a case of this character. (*Ewing v. Goode* [C. C.] 78 Fed. 442.) Negligence is not to be presumed; it must be proved (*Reino v. Montana Mineral Land Development Co.* 38 Mont. 291, 99 Pac. 633), and plaintiff was required to assume the burden of proving the negligence charged and that the infection resulted proximately from such negligence (3 Whart & S. Hed. Jur. 500). From the very nature of the case, each of these ultimate facts required for its proof the testimony of one qualified to give as expert opinion (*Pettigrew v. Lewis*, 46 Kan. 78, 26 Pac. 452), and in the absence of such testimony the case failed. (*Landon v. Scott*, 58 Mont. 645, 194 Pac. 488.)

Even if, perchance, the theory to which defendant adheres is wrong, it does not necessarily follow that he was

negligent. A physician or surgeon is not always liable for malpractice because of a bad result. He is not liable for injuries arising, without negligence, from honest errors of judgment. He is not an insurer. He would be negligent if, knowing certain precaution to be essential, he failed to take the necessary measure to prevent accident. The rule on the legal duty developing on physicians and surgeons in relation to their clients is thus stated in 21 R. C. L. 381, 382, 385, 386:

"The law exacts of physicians and surgeons while in the practice of their vocation only that they possess and exercise that reasonable degree of skill, knowledge, and care ordinarily possessed and exercised by members of their profession under similar circumstances and does not exact from them the utmost degree of care and skill attainable or known to the profession. Unless they contract to do more, they are held only to a reasonable amount of diligence and skill, and are liable only for injuries resulting from neglect to exercise that degree of diligence and skill."

"As the physician engages to bring to bear upon the case only such skill and care as are ordinarily practised by others of the same profession in like situation, his liability should be measured by that standard. The general rule, then, is that in determining what constitutes reasonable and ordinary care, skill, and diligence, the test is that which physicians and surgeons in the same general neighborhood ordinarily have and exercise in like cases and an instruction which does not so limit the degree of skill and care is erroneous."

The same rule is expressed in somewhat different terms by the supreme court of New York in *MacKenzie v. Carby* (103 App. Div. 246, 92 N. Y. Supp. 1063), as follows:

"The law thus requires a surgeon to possess the skill and learning which is possessed by the average member of the medical profession in good standing, and to apply that skill and learning with ordinary and reasonable care. He is not liable for a mere error of judgment, provided he does what he thinks is best after a careful examination. He does not guarantee a good result, but he promises by implication to use the skill and learning of the average physician, to exercise reasonable care, and to exert his best judgment in the effort to bring about a good result."

Now defendant testifies that he has been an eye specialist since 1911, before which he was engaged in the general practice of medicine; that since that year, he has been chief of the eye, ear, nose and throat department of the Philippine General Hospital and has performed opera-

tions for cataract at the rate of at least ten a month; that before performing such operations his practice and the practice of others in that hospital has been to make a cover test, which consists of putting a bandage on the eye to see if there is discharge, and also to examine the urine for sugar; that both of these tests were made in the present case with a negative result; that he never caused the examination of the teeth of the patient because pyorrhea is not, according to his belief, a contraindication in operations for cataract; that many persons operated upon by him for this affliction had advanced pyorrhea and at no time in his long experience did complication ensue after the operation. He further says that before undertaking the operation on plaintiff he had read the above-mentioned lecture of Dr. Wright in the American Journal of Ophthalmology, which confirmed his belief that pyorrhea is not opposed to operation on the eye.

There was no attempt to rebut this testimony and we have no reason to doubt its veracity. There is no evidence that an examination of the teeth has ever been made in operations of the character in question in the Philippine General Hospital or in any other hospital in the Philippines, although such operations have been many and very frequent. Dr. Herminio Velarde, also a specialist in eye, ear, nose and throat diseases with an extensive practice, testifies that pyorrhea is not a contraindication for cataract.

Dr. Villapando did not categorically contradict defendant and Dr. Velarde, and even if he had done so, his testimony would not carry much weight, considering his limited practice and experience.

The judgment of the lower court absolving defendant is in accordance with law and the evidence, and the said judgment is affirmed, without costs.

Bengzon, Reyes (A.), and Torres, JJ., concur.

Judgment affirmed.

DECISIONS OF THE CIVIL SERVICE BOARD OF APPEALS

TIME FIXED FOR APPEAL

[Case No. 24. March 19, 1941]

MAXIMO G. ADRIANO, respondent-appellant

DECISION

This is an appeal interposed by Maximo G. Adriano, clerk in the Foreign Mail Section of the Manila Post-Office, from the decision of the Commissioner of Civil Service, dated July 19, 1940, dismissing him from the service for prejudicial conduct. This prejudicial conduct consisted in his having allegedly removed foreign correspondence from their respective cases in the Foreign Mail Section of the Post-Office, opened them, and then dumped them in one of the urinals in the fourth floor of the Bureau of Posts Building.

According to the Commissioner of Civil Service, the respondent received notice of the decision on July 30, 1940. According to the records of this Board, his written appeal dated September 1940, was received by the Board on October 17, 1940, or two months and seventeen days after the respondent received notice of the decision appealed from.

At the time the respondent received the notice of the decision appealed from, the rules promulgated by the Civil Service Board of Appeals on January 21, 1937, governing administrative cases on appeal, were still in force, and said rules provide that the appellant must file his appeal with the Commissioner of Civil Service within twenty days after receipt by him of the decision. The respondent had, under the rules, until August 20, 1940, within which to file his appeal. This he failed to do.

On August 2, 1940, while the prescribed period of twenty days provided in the rules above-mentioned was still running, Commonwealth Act No. 598 was approved. This Act provides, among other things, that "from any decision of the Commissioner of Civil Service on administrative investigations an appeal may be taken by the officer or employee to the Civil Service Board of Appeals within thirty days after the receipt by him of the decision."

Even granting that the provision of Commonwealth Act No. 598, above quoted applies in the case of the respondent, he had until August 30, 1940, within which to appeal. He had, however, also failed to appeal within the time limited by the law.

To explain his failure to appeal on time, the respondent submitted on February 6, 1941, the affidavits of his wife and their landlady. His wife affirms that on July 30, 1940, she received the decision of the Commissioner of Civil Service, but as her husband was very ill she gave the decision to her landlady, Mrs. Mercedes Saison, for safe-keeping. Mrs. Saison corroborates the said statement of the respondent's wife in her affidavit. But in his letter to this Board dated October 16, 1940, the respondent states that—

"My case should have been presented long ago were it not my extended illness prevented me from doing so. In fact, when the attached letter was sent to me, I was not able to take delivery of it personally at the post office but had to ask my wife to get it for me."

The respondent, therefore, had knowledge on time of the decision of the Commissioner of Civil Service dismissing him from the service, contrary to what is alleged in the affidavits above-mentioned.

It appearing that the respondent failed to appeal on time, this Board has no jurisdiction to entertain his present appeal filed on October 17, 1940. In view thereof, the same is hereby dismissed.

So ordered.

Abad Santos, Chairman; Vargas, and Luna, members,
concur.

TEACHERS' IMPROPER CONDUCT

[Case No. 28. March 19, 1941]

Misses CRESENCIA V. MATEO and ISIDRA GATCHALIAN, respondents-appellants

DECISION

This is the administrative case No. A-2242 of the Civil Service, against Misses Cresencia V. Mateo and Isidra Gatchalian for highly improper conduct, and against Miss Irene Mabuñga, for alleged immorality, all of whom were teachers in the elementary school of Aritao, Nueva Vizcaya.

The charge against Irene Mabuñga was dismissed by the Honorable, the Commissioner of Civil Service, for lack of evidence, and in view of the fact that she has already left the service through voluntary resignation; while that of Cresencia V. Mateo, although sustained, was considered closed, as it appears that she has already severed her connection with the Government, her services having been dispensed with at the close of the school year of 1940 but not in the nature of disciplinary punishment, without prejudice, however, to the reopening of the case upon her application for reinstatement. As regards Miss Gatchalian, she was

found guilty and, as an administrative punishment, was required to resign, the same to be accepted with prejudice to reinstatement.

Considering that the decision of the Honorable, the Commissioner of Civil Service in effect imposes upon her a punishment in the form of a perpetual disbarment from entering again the service due to the finding of guilt therein coupled by a dictum that the case will be reopened upon her application for reinstatement, respondent Mateo now appeals contending that the decision is contrary to law and evidence, and that the disciplinary punishment meted out is too cruel and severe for the offense allegedly committed by her.

Without entering into the merits of her appeal, but merely as a matter of procedure, we consider her appeal not well taken in view of the fact that the Civil Service considered her case closed, and we may add, at this stage, a mooted one, she being already out of the service, not by virtue of any disciplinary imposition, but by reason of the expiration of the school period during which her services were hired. The statement in the decision that the case is to be reopened for the perusal of the appointing official if and when Miss Mateo seeks reinstatement is not, to the mind of this Board, a punishment in the form of disbarment to future entry in the service, as she contends, but merely a measure calculated to best subserve the interest and efficiency of the public service. Her appeal is therefore dismissed.

As regards respondent-appellant Isidra Gatchalian, the case against her finds origin in the love affair which Miss Mateo had with one Dr. Paciano Corpuz, a practising dentist of Aritao, Nueva Vizcaya.

Sometime in March of 1940, Miss Mateo and Dr. Corpuz were seen kissing in the school building by some pupils. While apparently the kissing was done against the will of Miss Mateo, it was nonetheless by a man (Dr. Corpuz) whom she admitted was her lover. This incident precipitated the acting division superintendent of schools to advise Miss Mateo that her services will no longer be needed upon the termination of the school year. Believing that respondent Gatchalian was in a large measure responsible for the amorous relation she had with Dr. Corpuz which brought her nothing but difficulties and degradation, she (Miss Mateo) filed charges against her for highly improper conduct in that it was through her influence and persuasion, efforts and machinations, in the role of go-between, that she fell victim of the love advances of Dr. Corpuz who, not only tricked her into a fake marriage, but shocked her good faith and affection, by turning out to be a married man. The Civil Service sustained the charge upon its findings that

respondent Gatchalian, as a go-between of Dr. Corpuz and Miss Mateo, created or helped create unusual opportunities for said lovers to be in compromising situations which fostered public scandal in the community.

We cannot subscribe to the view taken by the Honorable Commissioner of Civil Service that the conduct of respondent Gatchalian was of such gravity as to warrant the punishment of compulsory resignation with prejudice to reinstatement. The fact that she was instrumental in bringing about the engagement of Dr. Corpuz and Miss Mateo, or in acting as go-between, does not of itself make her conduct highly censurable as there is nothing in the record to show that she knew beforehand that Dr. Corpuz is a married man and therefore could offer nothing short of illicit affection. Neither do we find that she created, during the courtship and thereafter, compromising situations for Dr. Corpuz and Miss Mateo that offended public decency and morality. The nightly visits of Dr. Corpuz in the boarding house of Miss Mateo and said respondent, staying there until one or two o'clock in the early morn, and the kissing incident in the school, are not attributable to respondent Gatchalian because the record shows that they could have happened with or without her intervention. Considering that respondent Gatchalian was a co-boarder and a close friend of Miss Mateo, on the one hand, and a townmate of Dr. Corpuz, on the other, her having become the common approach of the two can easily be understood. There is no doubt that respondent Gatchalian acted in good faith and through the impulse of friendship.

But irrespective of good faith, considering the position of respondent Gatchalian, her attitude and behavior is not entirely free from censure. As a school teacher, she should have refrained from doing any act calculated to undermine her prestige in the community. Teachers are expected at least to follow that norm of human conduct conducive to the uplift of the character and morals of the youth. To this extent, the conduct of respondent, although mitigated by the fact that she was a co-boarder and close friend of Miss Mateo, is believed unbecoming of a teacher to warrant reprimand.

In the light of the foregoing, we hereby revoked the decision appealed from by finding respondent guilty of conduct unbecoming of a school teacher, and accordingly, impose upon her a reprimand with warning that repetition of the same or similar offense will be dealt with more drastically.

So ordered.

Abad Santos, Chairman; Vargas, and Luna, members, concur.

OPINIONS OF THE SECRETARY OF JUSTICE**PERFORMANCE OF MARRIAGE CEREMONIES****Opinion No. 133, Series 1941***June 23, 1941*

The Honorable
The SECRETARY OF THE INTERIOR
Manila

SIR:

This is with reference to your first indorsement dated April 26, 1941, and the letter of the Chief of Constabulary dated April 19, 1941, asking my advice on the legality of the action of certain communists in Pampanga who are baptizing their children and solemnizing marriages among themselves.

Historically, baptism is a religious ceremony which marks the beginning of the affiliation of an individual to a certain sect or religion. Since baptism has not as yet proved detrimental to the morals, health, welfare and convenience of the public in general, the Government has not seen fit to bring it within the scope of its regulatory control. At the present time, therefore, baptism as ordinarily practised may be indulged in by persons, sects or religions as an incident of their personal or religious liberty without transgressing any provisions of law.

On the question of marriage, however, it is my opinion that marriage ceremonies performed and solemnized as such by the communists of Pampanga might be violative of our laws.

Section 4 of Act No. 3613, as amended by Commonwealth Act No. 62, enumerates the persons who are legally authorized to perform marriages in the Philippines. The enumeration of the section is exclusive. If, therefore, the persons officiating marriage ceremonies among the communists of Pampanga do not fall under any of the enumerated classes of persons authorized by section 4 of Act No. 3613, as amended, to solemnize marriages, they would be usurping the official functions of those persons legally authorized to perform marriage ceremonies, in violation of the following provisions of article 177 of the Revised Penal Code:

Any person who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer, without being lawfully entitled to do so, shall suffer the penalty of *prisión correccional* in its minimum and medium periods. (U. S. *vs.* Hernandez, 29 Phil., 109.)

If the person officiating marriages among the communists is a priest or minister of a church, sect or religion who has not been duly authorized by the Director of the National Library to solemnize marriages, such person may also be liable under the following provisions of section 39 of Act No. 3613:

Any *priest* or *minister* solemnizing marriage without being authorized by the Director of the Philippine National Library * * *; or any officer, *priest* or *minister* solemnizing marriage in violation of the provisions of this Act, shall be punished by imprisonment for not less than one month nor more than two years, or by a fine of not less than two hundred pesos nor more than two thousand pesos.

By virtue of the context of the provision of law, however, section 39 of Act No. 3613 applies only to persons who are actually priests or ministers and would not apply to private persons who perform illegal marriage ceremonies. (See *U. S. vs. Mina*, 6 Phil., 78.)

Finally, persons other than those mentioned in section 4 of Act No. 3613, as amended, who illegally perform marriage ceremonies would also be violating the general penal clause of the Marriage Law (sec. 44, Act No. 3613).

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

ADMISSION IN PRIMARY SCHOOLS

Opinion No. 135, Series 1941

June 24, 1941

The Honorable
The UNDER SECRETARY OF PUBLIC INSTRUCTION
Manila

Sir:

This is with reference to your 1st indorsement of March 27, 1941, requesting my opinion as to whether it is the Director of Education or the Municipal Board of Manila which is empowered to make regulations governing the admission of pupils in the primary schools of the City of Manila.

It appears that the query has been occasioned by the dissent of the Director of Education to Opinions Nos. 52 and 99, series of 1940, of the City Fiscal of Manila holding that Commonwealth Act No. 586, known as the Education Act of 1940, has not nullified City Ordinance No. 2300 which amends section 1085 of the Revised Ordinances and provides that "no pupil whose parents or guar-

dians are not bona fide residents of the City of Manila, shall be admitted to the primary schools of said city." The Director of Education believes otherwise and advances the view that the aforementioned Ordinances are repugnant to Commonwealth Act No. 586 at least insofar as primary classes are concerned and hence, are nullified to that extent.

In the consideration of the merits of these divergent views, I have found it necessary to consider the question as to whether the City of Manila was at all authorized to enact section 1085 of the Revised Ordinances and Ordinance No. 2300, and I have found that with respect to primary schools, it possesses merely the same powers as are conferred by law on municipal councils (sec. 2454 (Rev. Adm. Code), to wit, "to establish and maintain primary schools in the municipality [city], *to be conducted as a part of the public school system in conformity with the provisions of the School Law* (sec. 2249, Rev. Adm. Code). Certainly, the power to make regulations governing the admission of pupils in the primary schools is not a part of the duty to establish and maintain primary schools or an implied power which may be inferred as a necessary consequence of the latter. "To establish" means "to settle or fix firmly; to found;" and "to maintain" means "to support" (Funk & Wagnalls New Standard Dictionary). Obviously, therefore, the power to determine what qualifications must be possessed by a pupil before he may be admitted to a public school pertains to the conduct of the public school system and is incidental to the power to administer and supervise the same vested in the Bureau of Education by section 909 of the Revised Administrative Code. This provision is broad in scope and makes no distinction between public schools supported by the National Government and those maintained by local governments. As long as the school is part of the public school system, its administration and supervision resides exclusively in the Bureau of Education, the sole intervention of the local government therein being limited to the establishment and maintenance of said school.

In view thereof, I am of the opinion that the authority to make regulations governing the admission of pupils in the primary schools of the City of Manila is vested by law in the Director of Education and any act of the Municipal Board of the City of Manila along this line is an unlawful encroachment on the statutory powers of the Director of Education. Ordinance No. 2300, therefore, amending section 1085 of the Revised Ordinances, is null and void

If the person officiating marriages among the communists is a priest or minister of a church, sect or religion who has not been duly authorized by the Director of the National Library to solemnize marriages, such person may also be liable under the following provisions of section 39 of Act No. 3613:

Any *priest* or *minister* solemnizing marriage without being authorized by the Director of the Philippine National Library * * *; or any officer, *priest* or *minister* solemnizing marriage in violation of the provisions of this Act, shall be punished by imprisonment for not less than one month nor more than two years, or by a fine of not less than two hundred pesos nor more than two thousand pesos.

By virtue of the context of the provision of law, however, section 39 of Act No. 3613 applies only to persons who are actually priests or ministers and would not apply to private persons who perform illegal marriage ceremonies. (See *U. S. vs. Mina*, 6 Phil., 78.)

Finally, persons other than those mentioned in section 4 of Act No. 3613, as amended, who illegally perform marriage ceremonies would also be violating the general penal clause of the Marriage Law (sec. 44, Act No. 3613).

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

ADMISSION IN PRIMARY SCHOOLS

Opinion No. 135, Series 1941

June 24, 1941

The Honorable
The UNDER SECRETARY OF PUBLIC INSTRUCTION
Manila

Sir:

This is with reference to your 1st indorsement of March 27, 1941, requesting my opinion as to whether it is the Director of Education or the Municipal Board of Manila which is empowered to make regulations governing the admission of pupils in the primary schools of the City of Manila.

It appears that the query has been occasioned by the dissent of the Director of Education to Opinions Nos. 52 and 99, series of 1940, of the City Fiscal of Manila holding that Commonwealth Act No. 586, known as the Education Act of 1940, has not nullified City Ordinance No. 2300 which amends section 1085 of the Revised Ordinances and provides that "no pupil whose parents or guar-

dians are not bona fide residents of the City of Manila, shall be admitted to the primary schools of said city." The Director of Education believes otherwise and advances the view that the aforementioned Ordinances are repugnant to Commonwealth Act No. 586 at least insofar as primary classes are concerned and hence, are nullified to that extent.

In the consideration of the merits of these divergent views, I have found it necessary to consider the question as to whether the City of Manila was at all authorized to enact section 1085 of the Revised Ordinances and Ordinance No. 2300, and I have found that with respect to primary schools, it possesses merely the same powers as are conferred by law on municipal councils (sec. 2454 (Rev. Adm. Code), to wit, "to establish and maintain primary schools in the municipality [city], *to be conducted as a part of the public school system in conformity with the provisions of the School Law* (sec. 2249, Rev. Adm. Code). Certainly, the power to make regulations governing the admission of pupils in the primary schools is not a part of the duty to establish and maintain primary schools or an implied power which may be inferred as a necessary consequence of the latter. "To establish" means "to settle or fix firmly; to found;" and "to maintain" means "to support" (Funk & Wagnalls New Standard Dictionary). Obviously, therefore, the power to determine what qualifications must be possessed by a pupil before he may be admitted to a public school pertains to the conduct of the public school system and is incidental to the power to administer and supervise the same vested in the Bureau of Education by section 909 of the Revised Administrative Code. This provision is broad in scope and makes no distinction between public schools supported by the National Government and those maintained by local governments. As long as the school is part of the public school system, its administration and supervision resides exclusively in the Bureau of Education, the sole intervention of the local government therein being limited to the establishment and maintenance of said school.

In view thereof, I am of the opinion that the authority to make regulations governing the admission of pupils in the primary schools of the City of Manila is vested by law in the Director of Education and any act of the Municipal Board of the City of Manila along this line is an unlawful encroachment on the statutory powers of the Director of Education. Ordinance No. 2300, therefore, amending section 1085 of the Revised Ordinances, is null and void

and hence, it is unnecessary for me to consider it in connection with Commonwealth Act No. 586.

I may add in this respect that I do not dispute the city fiscal's statement to the effect that unless admission to the primary schools is restricted to bona fide residents of the city, it might result in the city students being crowded out by those coming from the provinces. True as that may be, the same is not justification for the Municipal Board to encroach upon the powers of the Director of Education. The most it should have done was to pass a resolution calling the attention of the Director of Education thereto and to request him to adopt regulations to prevent the occurrences of such contingency.

Very respectfully,

JOSE ABAD SANTOS

Secretary of Justice

ISSUANCE OF DRIVERS' LICENSES

Opinion No. 136, Series 1941

June 24, 1941

The Honorable

The SECRETARY OF PUBLIC WORKS AND COMMUNICATIONS
Manila

SIR:

This is to comply with your letter of March 13, 1941, requesting my opinion as to whether you may recommend or initiate the promulgation of an order limiting the issuance of motor vehicle professional drivers' licenses to citizens of the Philippines and the United States.

Although the aim sought of solving the existing acute problem of unemployment in the ranks of Filipino professional drivers of motor vehicles is laudable, I am of the opinion, however, that the limitation of the issuance of motor vehicle drivers' licenses to Filipinos and/or Americans cannot be accomplished by a mere order. There is no provision in the Revised Motor Vehicle Law, or in any other law, authorizing your office or any other official of the Government to issue such an order. If the nationalization of the profession of motor vehicle driver is desired, appropriate measure to that effect should be recommended for legislative enactment.

In this connection, I desire to call your attention to previous similar representations made which might be of some help to your office in this instance. Sometime in October, 1937, the Honorable, the Secretary to the President, requested the comment of this Department on a bill restrict-

ing the grant of licenses of motor vehicles drivers to Filipino and American citizens and to the nationals of other countries who accord the same privilege to Philippine citizens. In commenting on the proposed bill, the Undersecretary of Justice, relying on the case of Cizzarelli v. Presbrey, 117 Atl. 359, opined in his 11th indorsement of October 30, 1937, that the proposed bill was not in contravention of the Constitution.

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

PRACTICE OF ARCHITECTURE

Opinion No. 140, Series 1941

June 26, 1941

The Honorable
The ASSISTANT SECRETARY TO THE PRESIDENT
Manila

SIR:

This is in connection with your 1st indorsement of June 6, 1941, relating to the application of Mr. Juan A. Sison to take the examinations to be given by the Board of Examiners for Architects.

I have referred this case to the Board of Examiners for Architects and the following facts have been brought to light: Mr. Juan A. Sison, a duly licensed civil engineer and an architect graduate of the International Correspondence Schools had previously applied to take the examinations given by the Board on July 8-9, 1940. In its Resolution No. 5, dated July 1, 1940, the Board disapproved his application on the ground that "the course of studies given in correspondence schools is not sufficient to provide the necessary architectural training as contemplated in Act No. 2985, as amended," and that his five years' practice, upon which he based his additional ground to take the examinations, in lieu of a college diploma, is that of a civil engineer and not of an architect. In his present application, Mr. Sison relies on the provision of section 10 (4) of Act No. 2985 which entitles a person who has practiced architecture for a period of not less than five years to take the examinations, alleging that during his practice as a civil engineer for the last five years, he had "incidentally practiced the profession of an architect in the preparations of the plans for his numerous constructions." The Board of

Examiners reiterates the objections contained in Resolution No. 5 of July 1, 1940, and recommends the denial of the application on the ground that Mr. Sison has not sufficiently complied with the practice required by the law because, (1) he did not practice with a license; (2) his practice was not under the competent supervision of a duly licensed architect; and (3) his practice as a civil engineer may not be considered as architectural practice required by section 10 (4) of Act No. 2985, as amended.

Anent the first objection, I have previously ruled that the practice contemplated in section 10 (4) of Act No. 2985 as would entitle a person to take the examinations for architects in lieu of a diploma from a school or college of recognized standing, does not refer to a practice with a license, because if an architect is already possessed of a license, there is no need for him to take the board examinations (Op., Sec. of Jus., No. 151, Aug. 8, 1939).

As to whether the practice required by law needs to be one under the supervision of a duly licensed architect, it should be noted that the aforementioned provision of the Engineering and Architecture Law does not qualify the practice therein referred to, except that it must be for a period of five years. While it must be admitted that the Board of Examiners is vested with sufficient discretion to primarily determine whether an applicant possesses the qualifications laid down by law, it is likewise true that it may not demand other qualifications nor impose more conditions than what the law requires. If it were intended that the practice of a profession for five years as would entitle a person to take the examinations be conducted under the supervision of a duly licensed member of the profession involved, the law would have so expressly provided. The silence of the statute in this regard can only signify that in determining the sufficiency of a practice contemplated in section 10 (4) of Act No. 2985, the Board's discretion should not be fettered nor uncompromisingly predisposed by the concurrence or absence of the fact that the applicant has practiced under the supervision of a duly licensed architect.

The third ground of objection proceeds from the fear that to allow Mr. Sison to take the architect examinations would be to establish a dangerous precedent that every civil engineer who may have practiced the civil engineer's profession for a period of five years may be allowed to take the architect examinations. I find this fear of the Board to be without basis, inasmuch as Mr. Sison bases his application *not* on his practice as a civil engineer but on his practices of the profession of an architect. If a person

has sufficient practice of architecture to entitle him to take the examinations, his being a civil engineer at the same time should certainly be an asset in his favor rather than a legal impediment. Mr. Sison alleges and presents proofs that he has gained sufficient experience in the practice of architecture as would entitle him to take the examinations, pursuant to section 10 (4) of Act No. 2985. On the assumption that his allegations are true, his participation in the designing and construction of the several works mentioned by him, constitutes in my opinion sufficient practice for the purpose of allowing him to take the board examinations for architects (*See Rules and Regulations of the Board of Examiners, dated Oct. 20, 1931, re practice of architecture; Keenan v. Tuma, 240 Ill. App. 448, 454*).

On the assumption that Mr. Juan A. Sison's allegations are true and it not appearing that his application was denied on grounds other than those hereinbefore discussed, I am of the opinion and so advise that Mr. Sison may be allowed to take the examinations for architects.

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

AIRCRAFT RADIO STATIONS

Opinion No. 141, Series 1941

June 26, 1941

The Honorable
The SECRETARY OF NATIONAL DEFENSE
Manila

Sir:

This is to comply with the letter of your Office of June 3, 1941 requesting my opinion as to whether section 4 of Act No. 3846, known as the Radio Control Law, which prohibits the grant or transfer of a radio station license to any company or corporation in which any alien is employed as officer or director, or to any company or corporation twenty per centum of the capital stock of which may be voted by aliens or their representatives, has been repealed by sections 6 and 7 of Commonwealth Act No. 168, as amended, known as the Civil Aviation Law.

The query appears to have been occasioned by the dilemma resulting from the inconsistency in requirements between the Civil Aviation Law and the Radio Control Law. While the former allows a corporation, organized in the

Examiners reiterates the objections contained in Resolution No. 5 of July 1, 1940, and recommends the denial of the application on the ground that Mr. Sison has not sufficiently complied with the practice required by the law because, (1) he did not practice with a license; (2) his practice was not under the competent supervision of a duly licensed architect; and (3) his practice as a civil engineer may not be considered as architectural practice required by section 10 (4) of Act No. 2985, as amended.

Anent the first objection, I have previously ruled that the practice contemplated in section 10 (4) of Act No. 2985 as would entitle a person to take the examinations for architects in lieu of a diploma from a school or college of recognized standing, does not refer to a practice with a license, because if an architect is already possessed of a license, there is no need for him to take the board examinations (Op., Sec. of Jus., No. 151, Aug. 8, 1939).

As to whether the practice required by law needs to be one under the supervision of a duly licensed architect, it should be noted that the aforementioned provision of the Engineering and Architecture Law does not qualify the practice therein referred to, except that it must be for a period of five years. While it must be admitted that the Board of Examiners is vested with sufficient discretion to primarily determine whether an applicant possesses the qualifications laid down by law, it is likewise true that it may not demand other qualifications nor impose more conditions than what the law requires. If it were intended that the practice of a profession for five years as would entitle a person to take the examinations be conducted under the supervision of a duly licensed member of the profession involved, the law would have so expressly provided. The silence of the statute in this regard can only signify that in determining the sufficiency of a practice contemplated in section 10 (4) of Act No. 2985, the Board's discretion should not be fettered nor uncompromisingly predisposed by the concurrence or absence of the fact that the applicant has practiced under the supervision of a duly licensed architect.

The third ground of objection proceeds from the fear that to allow Mr. Sison to take the architect examinations would be to establish a dangerous precedent that every civil engineer who may have practiced the civil engineer's profession for a period of five years may be allowed to take the architect examinations. I find this fear of the Board to be without basis, inasmuch as Mr. Sison bases his application *not* on his practice as a civil engineer but on his practices of the profession of an architect. If a person

has sufficient practice of architecture to entitle him to take the examinations, his being a civil engineer at the same time should certainly be an asset in his favor rather than a legal impediment. Mr. Sison alleges and presents proofs that he has gained sufficient experience in the practice of architecture as would entitle him to take the examinations, pursuant to section 10 (4) of Act No. 2985. On the assumption that his allegations are true, his participation in the designing and construction of the several works mentioned by him, constitutes in my opinion sufficient practice for the purpose of allowing him to take the board examinations for architects (*See Rules and Regulations of the Board of Examiners, dated Oct. 20, 1931, re practice of architecture; Keenan v. Tuma, 240 Ill. App. 448, 454*).

On the assumption that Mr. Juan A. Sison's allegations are true and it not appearing that his application was denied on grounds other than those hereinbefore discussed, I am of the opinion and so advise that Mr. Sison may be allowed to take the examinations for architects.

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

AIRCRAFT RADIO STATIONS

Opinion No. 141, Series 1941

June 26, 1941

The Honorable
The SECRETARY OF NATIONAL DEFENSE
Manila

Sir:

This is to comply with the letter of your Office of June 3, 1941 requesting my opinion as to whether section 4 of Act No. 3846, known as the Radio Control Law, which prohibits the grant or transfer of a radio station license to any company or corporation in which any alien is employed as officer or director, or to any company or corporation twenty per centum of the capital stock of which may be voted by aliens or their representatives, has been repealed by sections 6 and 7 of Commonwealth Act No. 168, as amended, known as the Civil Aviation Law.

The query appears to have been occasioned by the dilemma resulting from the inconsistency in requirements between the Civil Aviation Law and the Radio Control Law. While the former allows a corporation, organized in the

Philippines, of which the directing head and at least two-thirds of the directors and managing officers are citizens of the Philippines and of which at least sixty-six and two-thirds per centum of the voting interest of the corporation is owned absolutely and controlled exclusively by citizens of the Philippines, to engage in air commerce, the Radio Control Law, on the other hand, absolutely prohibits the grant or transfer of a radio station license to any company or corporation, whether organized or not in the Philippines, in which any alien is employed as officer or director, or to any company or corporation twenty per centum of the capital stock of which may be voted by aliens or their representatives.

Thus, while the Philippine Air Lines, Inc., a domestic corporation, may be granted, as it has been granted, an Air Commerce Permit in spite of the fact that one of its five directors is an alien owning about one-fifth of the entire capital stock of the corporation, its compliance with the Rules and Regulations requiring the installation of a radio station on board its aircraft promulgated by the Bureau of Aëronautics, pursuant to the powers conferred upon it by sections 6 and 7 of the Civil Aviation Law, is apparently impossible of performance because the Philippine Air Lines, Inc., being a corporation with an alien in its board of directors and further having twenty per centum of its voting interest in the hands of an alien, appears precluded from being granted a permit to install a radio station on board its aircraft.

In view of this unusual situation, brought about by the varying degree of nationalistic spirit with which the Radio Control Law and the Civil Aviation Law are imbued, the idea is suggested that sections 6 and 7 of the Civil Aviation Law have repealed section 4 of the Radio Control Law.

I do not subscribe to this idea. The Radio Control Law, as its name indicates, was primordially enacted by the Philippine Legislature to provide for the regulation of radio stations and radio communications in the Philippines. The Civil Aviation Law, on the other hand, was approved primarily for the promotion and development of civil aviation in the Philippines, creating the Bureau of Aëronautics, and defining its powers, duties and functions. Totally alien in subject-matter as these laws are to each other, I fail to perceive how it can be possible for one to alter, amend or repeal the other when, even in cases wherein the laws involved have kindred subject-matters, repeals by implication are looked upon with disfavor. Answering your query, therefore, I am of the opinion that sections 6 and 7 of the Civil Aviation Law have not repealed section 4 of the Radio Control Law.

This, however, does not mean that a company or corporation in which any alien is employed as officer or director, or twenty per centum of the capital stock of which may be voted by aliens, and which possesses a permit to engage in air commerce, is absolutely precluded from installing a two-way radio communication system on board its airline aircraft. It is absurd to think that the legislative body would allow a corporation thus constituted to engage in air commerce and at the same time preclude it from adopting measures to safeguard the lives of people who may avail themselves of its transportation facilities. That being the case, it is but logical to conclude that the prohibition contained in section 4 of the Radio Control Law cannot be invoked to preclude companies and corporations, similarly constituted and similarly engaged in air commerce as the Philippine Air Lines, Inc. is, from being granted a permit to install and operate a two-way radio communication system on board its airline aircraft.

Beyond this conclusion, I am not called upon to delve. Suffice it to say, it is the obvious conclusion if it is borne in mind that the intent behind section 4 of the Radio Control Law is to prevent aliens from exerting any control or influence, however slight or remote, on radio stations and radio communications in the Philippines in view of their importance in the dissemination of information, not only on matters relating to commerce and industry but also on public questions as well as national and international issues and affairs. Being potent instruments of propaganda, it is only proper that their use in any country be withheld from aliens. Radio stations on board airline aircraft, however, are not used in the dissemination of information or as instruments of propaganda but as a means of reducing the hazards of flight for persons who avail themselves of this form of transportation. Since the reason behind the prohibition contained in section 4 of the Radio Control Law is non-existent in the case of radio stations on board airline aircraft, the same, therefore, should not be invoked against air transportation companies. *Cessante ratione legis, cessat et ipsa lex.*

In view of the preceding considerations, I am of the opinion that the Philippine Air Lines, Inc., should be granted a permit to install and operate a two-way radio communication system on board its airline aircraft.

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

RULINGS OF THE AUDITOR GENERAL**TAX ON RICE MILLING AND SELLING**

5TH INDORSEMENT

May 28, 1941

Respectfully returned, through the Honorable, the Secretary of Finance, to the Collector of Internal Revenue, Manila.

It is contended in the 3rd indorsement hereon of the Collector of Internal Revenue that the percentage taxes imposed in the first paragraph of section 182 and in section 189 of the National Internal Revenue Code covers the privilege of milling and selling rice and, therefore, a proprietor or operator of a rice mill who sells rice milled by him is not subject to the graduated fixed annual tax prescribed in section 182 of the same Code. The Collector states that inasmuch as the tax imposed in section 189, *supra*, shall be based on the actual selling price or market value of the articles at the time they leave the factory or mill warehouse, a proprietor of a rice mill may sell rice milled by him under the privilege tax issued to him as such proprietor. It is further contended that the selling of manufactured products being incident to manufacture, the rice mill proprietor should not be taxed for the selling of rice milled by him.

This Office disagrees with the Collector. The fact that section 189 of the National Internal Revenue Code provides that the tax prescribed therein is based on the actual selling price or market value of the articles only goes to show that the rice mill proprietor may also be a dealer or merchant of the rice milled by him. Unlike a simple manufacturer who works on his own materials and sells the products thereof, a rice mill owner conducts the business of accepting unhusked rice belonging to others for the purpose of milling them at a price for the service rendered. He becomes a merchant the moment he sells rice milled by him. The citation made by the Collector in Volume 38, Corpus Juris, page 989, is not, in our opinion, applicable to a rice mill owner, for the sale of the rice milled by the rice owner is not incident to the business of milling rice. Upon verification of the said citation, we found the following as a continuation thereof:

"Since 'dealer,' and 'merchant' are terms distinguishable from 'manufacturer,' it is held that becoming a dealer or a merchant is not a necessary incident to the business of manu-

facturing. So the purchase or sale of that which is not the product of manufacture, or does not become so, even though it is a like article and convenient as an accessory to the business of a manufacturer in dealing with his own product, is not an incident to his manufacturing business." (38 C. J., 989.) (Italics ours.)

It is, therefore, clear that the rice mill owner may also be a dealer or merchant and as such he is subject not only to the fixed tax under the first paragraph of section 182 and the percentage tax under section 189, but also to the graduated fixed tax under section 182 of the National Internal Revenue Code.

This Office, therefore, reiterates its stand taken in this case.

M. AGREGADO
Deputy Auditor General

MATRICULATION FEES

6TH INDORSEMENT

June 12, 1941

Respectfully returned to the Provincial Auditor, Surigao, Surigao.

Commonwealth Act No. 586 disestablishing the municipal school fund provides that any amount therein remaining unexpended and unobligated on the date (August 7, 1940) of the approval thereof shall form part of the municipal general fund. In view of this provision and inasmuch as the proceeds from matriculation fees form part of the said school fund, this Office is of the opinion that unexpended and unobligated balance of these fees on August 7, 1940, should likewise be transferred to the general fund. This does not mean, however, that upon transfer thereof to the general fund the same can not be appropriated for the purchase of library books and periodicals and for athletic purposes because the municipal council may do so under the general welfare clause and in accordance with section 5, Article XIV (formerly Article XIII), of the Constitution of the Philippines.

As to the question of whether or not municipal councils are prohibited from appropriating local public funds for intermediate school purposes, our answer is in the negative, attention being invited to the provisions of Circular No. 9, series of 1941, issued by the Bureau of Education on the matter, which are self-explanatory.

M. AGREGADO
Deputy Auditor General

STENOGRAPHER'S SERVICES**2ND INDORSEMENT***June 20, 1941*

Respectfully returned to the Provincial Auditor, Lucena, Tayabas.

Although the services rendered by Mr. Leopoldo S. Duque to the Commissioners of Appraisals and Claims were neither services required of him by law nor part of his duties as official stenographer of the Court of First Instance thereat, this Office believes that he is not entitled to receive compensation for transcribing the stenographic notes taken by him before the said committee, inasmuch as payment thereof is to be made from Government funds, and there is no law authorizing the payment to him of additional or extra compensation for such services. Furthermore, it is believed that the services rendered by Mr. Duque to the Commissioners of Appraisals and Claims might have been required of him as court stenographer, since his services were employed in connection with a civil case pending in the Court of First Instance thereat, and it appearing further that the stenographic notes herein referred to were taken at the time when he should have been rendering service in connection with his duties as court stenographer.

M. AGREGADO

Acting Auditor General

PEDDLER'S LICENSE FEES**9TH INDORSEMENT***June 24, 1941*

Respectfully returned to the City Auditor, City of Cebu.

On the assumption that its salesmen in the municipalities of Baybay and Tacloban, Leyte, and in the Provinces of Misamis Oriental, Lanao, Samar, and Misamis Occidental are not liable for the peddler's license fees prescribed in Ordinance No. 137, series of 1938, of the Municipal Board of the City of Cebu, H. E. Heacock Co. is requesting refund of the license fees it paid in behalf of said salesmen for the year 1940 and the first quarter of 1941.

Commonwealth Act No. 472 authorizing municipal councils and municipal district councils to levy taxes, subject to certain limitations, provides that:

"Hawkers, peddlers, hucksters, piano tuners, piano repairers who do not carry on their trade in their own shops or establishments, and proprietors of circuses, who have secured

licenses at the rates fixed by ordinance in any municipality or municipal district shall not be required to take out licenses in any other municipality or municipal district through which they may travel for business, unless the term for the renewal of such licenses shall have expired."

Under the above-quoted law, the license fees paid by H. E. Heacock Co. for its salesmen in the aforementioned municipalities and provinces may not be recovered unless it is shown that similar license fees covering the same periods were paid by them in any other city, municipality, or municipal district prior to the dates their Cebu licenses were obtained, in which case refund of the license fees paid by said company to the City of Cebu may be allowed, it appearing that those pertaining to the first and second quarters of 1940 were paid to the city under protest.

The payments made by the company corresponding to the third and fourth quarters of 1940 and the first quarter of 1941 are considered as having been paid under protest.

"Payment of taxes without protest subsequent to those paid under protest is not a waiver.—Payment of taxes for two years without protest on property exempt from tax, being public lands leased under Act No. 926 (Fairchild vs. Sarmiento, G. R. No. 23105 S. C.), made subsequent to those paid for two preceding years under protest on the same property, is not a waiver of the owner's objection thereto, the intention of the taxpayer to object continuously to the payment of said taxes being manifest and unmistakable because, under the circumstances, an express waiver of the protest is necessary in order to outweigh the clear intention of the taxpayer. (Op. Ins. Aud., Sept. 21, 1922.)" (Araneta's Adm. Code, Vol. I, p. 562.)"
(9th indorsement, dated January 4, 1941, GAOF No. 420.10—Manila.)

M. AGREGADO

Acting Auditor General

APPOINTMENTS AND DESIGNATIONS

BY THE PRESIDENT OF THE PHILIPPINES

NATIONAL EMERGENCY COMMISSION

Pio Pedrosa, appointed member of the National Emergency Commission, representing the Office of the President, vice Serafin Marabut, July 22, 1941.

Jose Figueras, appointed member of the National Emergency Commission, representing the Department of Labor, July 24, 1941.

Vicente de la Cruz, resigned as member of the National Emergency Commission, representing the Department of Labor, July 24, 1941.

NATIONAL POWER BOARD

Vicente Fragante, appointed *ad interim*, member of the National Power Board, July 28, 1941, vice Jose Avelino, resigned, for his unexpired term ending December 7, 1942.

CITY OF MANILA

Juan Dominguez, designated acting chief of police of the City of Manila, effective as of July 1, 1941; letter of designation dated July 24, 1941.

PROVINCES

BULACAN

Gregorio S. Pajarillo, appointed councilor of the municipality of Bocaue, July 30, 1941.

Mariano Gonzales, appointed councilor of the municipality of Bocaue, July 30, 1941.

CAVITE

Alejandro Nigosa, appointed councilor of the municipality of Ternate, July 25, 1941.

Francisco Aguilar, appointed councilor of the municipality of Ternate, July 25, 1941.

Pablo Gallegas, appointed councilor of the municipality of Indang, July 25, 1941.

Simeon Rupido, appointed councilor of the municipality of Indang, July 25, 1941.

DAVAO

Serafin Macasaet, appointed *ad interim*, provincial treasurer of Davao, July 24, 1941.

LAGUNA

Eustaquio Generoso, appointed councilor of the municipality of Lilio, July 24, 1941, vice Dr. Braulio A. Borlaza, who failed to qualify and assume office.

NEGROS OCCIDENTAL

Leon Justiniani, appointed councilor of the municipality of Saravia, July 26, 1941, for the unexpired term of Melitona G. Bendiola, resigned.

SULU

Angel Jamias, appointed *ad interim*, justice of the peace of Talipao and Maimbong, with compensation at the rate of ₱1,680 per annum.

LEGAL AND OFFICIAL NOTICES

COMMONWEALTH OF THE PHILIPPINES

GENERAL LAND REGISTRATION OFFICE

In the Court of First Instance, Province of
Cebu

[Land Registration Case No. 498. G. L. R. O. Record
No. 53802]

MUNICIPALITY OF SAN FERNANDO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, and the Roman Catholic Archbishop of Cebu, these two in Cebu, Cebu, P. I.; and Basilisa Duterte, in San Fernando, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this Court by the municipality of San Fernando, through its mayor, in San Fernando, Cebu, P. I., to register and confirm its title to the following property:

A parcel of land (lot No. 1, plan Psu-106715), with the improvements thereon, situated in the Poblacion, municipality of San Fernando, Province of Cebu, P. I.—Bounded on the NE. by property of Basilisa Duterte; on the SE. by lot No. 2 claimed by the Commonwealth of the Philippines; on the SW. by property of the municipal government of San Fernando; and on the NW. by the Yangyang Street. Point "1" is N. 37° 38' E., 306.78 m. from B. L. L. M. No. 1, San Fernando. Area 2,061 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 11th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5)

Registration Office

In the Court of First Instance, Province of
Cebu

[Land Registration Case No. 511. G. L. R. O. Record
No. 54503]

MUNICIPALITY OF ALCANTARA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; the heirs of Melecio Lambo, Lucio Juarez and Consorcio de Lambo, all of these in Candabong, Alcantara, Cebu, P. I.; Santiago Pecdol, in Alcantara, Cebu, P. I.; and the Roman Catholic Archbishop of Cebu, in Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Alcantara, through its mayor, in Alcantara, Cebu, P. I., to register and confirm its title to the following property:

Two parcels of land, with the building and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-109915), situated in the barrio of Candabong, municipality of Alcantara, Province of Cebu, P. I.—Bounded on the N. and NE. by property of Lucio Juarez; on the SE. by properties of Lucio Juarez and Consorcio de Lambo; on the S. by property of Consorcio de Lambo; and on the NW. by properties of Consorcio de Lambo and Lucio Juarez. Point "1" is N. 41° 57' E., 3,853.00 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 11,682 square meters.

2. A parcel of land (plan Psu-109916), situated in the barrio of Palanas, municipality of Alcantara, Province of Cebu, P. I.—Bounded on the N., E., S. and W. by property of the municipal government of Alcantara; and on the SE. by property of the municipal government of Alcantara (school site). Point "1" is N. 17° 14' E., 4,293.90 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 16,864 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on

the 12th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

In the Court of First Instance, Province of Cebu

[Land Registration Case No. 524. G. L. R. O. Record No. 55026]

MUNICIPALITY OF BADIAN, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; Vicente Navarro, Porfirio Visitacion, Perfecto Verginteños, Fortunata Taboada, Tecla Navarro, Isidoro Llawan, Juan Rodini, Crispulo Dacillo, Tranquilino Agravante, Tomas Dalocanog, the heirs of Baldomera Abenturado and Anselmo Abenturado, all of these in Badian, Cebu, P. I.; and the Roman Catholic Archbishop of Cebu, in Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Badian, through its mayor, in Badian, Cebu, P. I., to register and confirm its title to the following property:

Three parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112082, sheet No. 1), situated in the Poblacion, municipality of Badian, Province of Cebu, P. I.—Bounded on the NE. by properties of Vicente Navarro, Porfirio Visitacion and Perfecto Verginteños; on the SE. by properties of Fortunata Taboada and Tecla Navarro; on the SW. by the properties of Tecla Navarro and Isidoro Llawan; and on the NW. by the Provincial Road to Moalboal. Point "1" is S. 55° 18' W., 1,017.60 m. from B. L. L. M. No. 2, Badian, Cebu. Area 36,309 square meters.

2. A parcel of land (lot No. 2, plan Psu-112082, sheet No. 2), situated in the barrio of Taytay, municipality of Badian, Province of Cebu, P. I.—Bounded on the N. and W. by property of Tranquilino Agravante; on the NE. by property of Juan Rodini & Crispulo Dacillo; and on the SW. by properties of Tranquilino Agravante and Tomas Dalocanog. Point "1" is S. 18° 26' E., 2,572.24 m. from B. L. L. M. No. 2, Badian, Cebu. Area 17,227 square meters.

3. A parcel of land (lot No. 3, plan Psu-112082, sheet No. 3), situated in the barrio of Tigbaw, municipality of Badian, Province of Cebu, P. I.—Bounded on the N. and SW. by property of the heirs of Baldomera Abenturado; on the NE. by properties of the heirs of Baldomera Abenturado and Anselmo Abenturado; and on the S. by property of Anselmo Abenturado. Point "1" is N. 55° 59' E., 5,613.57 m. from B. L. L. M. No. 1, Badian, Cebu. Area 10,000 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 14th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

In the Court of First Instance, Province of Cebu

[Land Registration Case No. 525. G. L. R. O. Record No. 55041]

MUNICIPALITY OF MOALBOAL, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, and the Roman Catholic Archbishop of Cebu, these two in Cebu, Cebu, P. I.; Saturnino Eusares, Pastor Pableo, Eustaquio Abrenica, Ricardo Abrenica, Esteban Sabella, Andres Gaballo, Isidoro Tabañag, Remigio Calomboy, Jose Cornado, Dionisio Temblor, Tranquilino Puk-ong, Leon Babiera, Manuel Gabato, Dionisio Visitacion and Teodoro Gaba

bat, all of these in Moalboal, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Moalboal, through its mayor, in Moalboal, Cebu, P. I., to register and confirm its title to the following property:

Five parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112083, sheet No. 1), situated in the barrio of Basdiot, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the NE. by properties of Saturnino Eusares and Pastor Pableo; on the SE. by properties of Pastor Pableo and Eustaquio Abrenica; on the SW. by property of Eustaquio Abrenica; and on the NW. by properties of Ricardo Abrenica and Saturnino Eusares. Point "1" is N. 61° 55' W., 2,066.57 m. from B. L. L. M. No. 2, Moalboal, Cebu. Area 10,003 square meters.

2. A parcel of land (lot No. 2, plan Psu-112083, sheet No. 2), situated in the barrio of Busay, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the N. and SE. by properties of Esteban Sabella; on the NE. by properties of Andres Gaballo and Esteban Sabella; on the SW. by property of Isidoro Tabañag; and on the NW. by properties of Remigio Calamboy and Esteban Sabella. Point "1" is N. 27° 03' E., 5,872.00 m. from B. L. L. M. No. 1, Badian, Cebu. Area 15,352 square meters.

3. A parcel of land (lot No. 3, plan Psu-112083, sheet No. 3), situated in the barrio of Buguil, municipality of Moalboal, Province of Cebu, P. I.—Bounded on all sides by property of Jose Cornado. Point "1" is N. 51° 59' E., 11,124.50 m. from B. L. L. M. No. 1, Badian, Cebu. Area 10,698 square meters.

4. A parcel of land (lot No. 1, plan Psu-112084), sheet No. 1), situated in the barrio of Saavedra, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the SE. by property of the municipal government of Moalboal (school site); on the SW. by properties of Tranquilino Puk-ong and Leon Babiera; on the W. by property of Leon Babiera; and on the NW. by property of Dionisio Temblor. Point "1" is N. 20° 25' W., 4,962 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 1,983 square meters.

5. A parcel of land (lot No. 2, plan Psu-112084) sheet No. 2), situated in the barrio of Bugho, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the NE. by property of Manuela Gabato; on the SE. by property of the municipal

government of Moalboal; on the S. by the provincial road to Moalboal; on the W. by property of Dionisio Visitacion & Teodoro Gababat; and on the NW. by property of Teodoro Gababat. Point "1" is N. 73° 58' E., 2,345.58 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 5,161 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 15th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4,5)

In the Court of First Instance, Province of Camarines Sur

Land Registration Case No. 1034. G. L. R. O. Record No. 551641

BENITA PARAÑAL, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Nabua, Lope Aguila, Juan Huelbes, Felipe Ducot, Maria Gurabat, Anselmo Nierva, Nazario Acabado and Manuel Llorente, all of these in Nabua, Camarines Sur, P. I.; and Apolonio Abanes, in La Opinion, Nabua, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Benita Parañal, in La Opinion, Nabua, Camarines Sur, P. I., through the attorney Juan B. Ballecer, in Nabua, Camarines Sur, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-109115), situated in the barrio of La Opinion, municipality of Nabua, the Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Lope Aguila and Juan Huelbes; on the SE. by properties of Felipe Ducot and Maria Gurabat; on the W. by properties of Anselmo Nierva and Nazario Acabado; and on the NW. by property of Manuel Llorente. Point "1" is S. 26° 02' W., 1,943.26 m. from B. L. L. M. No. 1, Bato, Cama-

rines Sur. Area 75,270 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

Land Registration Case No. 1035. G. L. R. O. Record
No. 55165]

Sy CHONG and DY CHOON BOAN, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Iriga, Benjamin E. Dy Liacco, Leona Sepe, Pio Blanco and Go Yui, all of these in Iriga, Camarines Sur, P. I.; Joaquin Mendez, c/o P. O. Box No. 2825, Manila, P. I.; Go Sui Ching, on Soler Street No. 222, Manila, P. I.; and Hermenegildo Balpermoso, in Buhi, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Sy Chong, in Iriga, Camarines Sur, P. I., and Dy Choon Boan, on Soler Street No. 222, Manila, P. I., through the attorney Cosme C. Gonowon, in Iriga, Camarines Sur, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-52470), situated in the Poblacion, municipality of Iriga, Province of Camarines Sur, P. I.—Bounded on the N. by the Iriga-Buhi Provincial Road; on the SE. by property of Hermenegildo Balpermoso; on the SW. by an irrigation ditch and property of Pio Blanco; and on the NW. by property of Joaquin Mendez. Point "1" is N. 81° 31' E., 284.37 m. from B. L. L. M.

No. 1, Iriga, Camarines Sur. Area 261 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the record of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 12th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

Land Registration Case No. 1036. G. L. R. O. Record
No. 55166]

DIOSDADO EVANGELISTA AND ISABEL DE LA CONCEPCION, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, the municipal council of Naga, Concepcion Abella Vda. de Diaz, Cristeta Vda. de Maravilla, Macario Prieto, and Francisco de la Concepcion, all of these in Naga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Diosdado Evangelista and Isabel de la Concepcion, on San Andres Street No. 238, Malate, Manila, P. I., to register and confirm their title to the following property:

Two parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-88881), situated in the barrio of Bagong-Bayan, municipality of Naga, Province of Camarines Sur, P. I.—Bounded

on the NE. by property of Concepcion Abella Vda. de Diaz; on the SE. by the Jacob Street; on the SW. by properties of Diosdado Evangelista & Isabel de la Concepcion and Macario Prieto; and on the NW. by properties of Cristeta Vda. de Maravilla and Concepcion Abella Vda. de Diaz. Point "1" is N. 26° 57' E., 943.20 m. from B. L. L. M. No. 2, Naga. Area 1,321 square meters.

2. A parcel of land (plan Psu-107528), situated in the barrio of Bagumbayan, municipality of Naga, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Diosdado Evangelista & Isabel de la Concepcion; on the SE. by the Jacob Street; on the SW. by property of Francisco de la Concepcion; and on the NW. by property of Macario Prieto. Point "1" is N. 26° 57' E., 943.20 m. from B. L. L. M. No. 2, Naga, Camarines Sur. Area 841 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 12th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5)

Registration Office

In the Court of First Instance, Province of Pampanga

[Land Registration Case No. 1875. G. L. R. O. Record No. 55234]

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila P. I.; the provincial fiscal of Pampanga, in San Fernando, Pampanga, P. I.; the municipal council of Santa Rita and Procesa Guanzon Pineda, these two in Santa Rita, Pampanga, P. I.; Pablo Glosioko, Emiliano Bondoc, Lorenzo Pecson, Jose Carpio, Amparo Joven Keyser, Ceferino Laxamana and Jose de Leon, all of these in San Juan, Santa Rita, Pampanga, P. I.; Maria Paz David, on Cabildo Street No. 292, Intramuros, Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Cesario de Dios, on Cabildo Street

No. 292, Intramuros, Manila, P. I., through the attorney Jose G. Advincula c/o City Hall, in Manila, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112473), situated in the barrio of San Juan, municipality of Santa Rita, Province of Pampanga, P. I.—Bounded on the NE. by a canal and properties of Pablo Glosioko (now) Braulio Pineda (before); and Emiliano Bondoc; on the SE. by property of Emiliano Bondoc; on the SW. by properties of Lorenzo Pecson, Jose Carpio and Amparo Joven Keyser; and on the NW. by properties of Ceferino Laxamana, Jose Carpio and Jose de Leon. Point "1" is S. 8° 57' W., 366.41 m. from M. B. M. No. 20, Bacolor Cadastre No. 73. Area 27,347 square meters.. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose Ma. Paredes, judge of said court, the 7th day of June, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5)

Registration Office

In the Court of First Instance, Province of Tayabas

[Land Registration Case No. 3642. G. L. R. O. Record No. 54991]

ANTONIO ROBLES, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Guinayangan, in Guinayangan, Tayabas, P. I.; Eugenia de Ramos, Valentin Robles and Pedro Masangkay, all of these in Tiaong, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Antonio Robles, in Tiaong, Tayabas, P. I., through the attorney Cecilio L. Maneja, on Rebellin Street No. 136, Santa Ana, Manila, P. I.,

to register and confirm his title to the following property:

A parcel of land (plan Psu-60294), situated in the barrio of Tagcawayan Bato, municipality of Guinayangan, Province of Tayabas, P. I.—Bounded on the NE. by the Mabahan River; on the SE. by property of Pedro Masangkay; on the SW. by the Didiclim River; and on the NW. by the Didiclim River, property of Valentin Robles and the Mabahan River. Point "1" is N. 20° 53' E., 4,499.93 m. from B. L. L. M. No. 17, Guinayangan. Area 1,500,002 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

(4, 5)

In the Court of First Instance, Province of
Tayabas

[Land Registration Case No. 3643. G. L. R. O. Record
No. 54992]

EUFRASIO DINGLASAN and REMEDIOS SALAZAR
applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Candelaria, Manuel del Valle, Dionisio de Gala, Estanislao Virtucio and the heirs of Benigno Nadres, all of these in Candelaria, Tayabas, P. I.; Francisco Rodriguez, in Sariaya, Tayabas, P. I.; Jose Fernandez and Enrique Bautista, these two in San Pablo, Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Eufrazio Dinglasan and Remedios Salazar, in Candelaria, Tayabas, P. I., through the attorney Regino B. Aro, in Candelaria,

Tayabas, P. I. to register and confirm their title to the following property:

Two parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 4, plan Psu-64334, sheet No. 4) (SWO-15668), situated in the barrio of Quinatihan, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the NE., SW. and W. by properties of Manuel del Valle; on the E. by a barroi road; on the S. by property of Francisco Rodriguez and an old irrigation canal; and on the NW. by property of Manuel del Valle, an old irrigation canal and property of Dionisio de Gala. Point "1" is S. 42° 50' W., 4,693.33 m. from B. L. L. M. No. 1, Candelaria. Area 101,851 square meters.

2. A parcel of land (plan Psu-99913), situated in the barrio of Bucal, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the NE. by property of Jose Fernandez (before) Enrique Bautista (now); on the SE. by the Sapang Calamil Na Munte; on the SW. by property of Jose Fernandez (before) Eufrazio Dinglasan (now); and on the NW. by the Sapang Calamil and a sapa. Point "1" is N. 53° 28' W., 3,118.36 m. from B. L. L. M. No. 6, Candelaria. Area 59,804 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

(4, 5)

In the Court of First Instance, Province of
Tayabas

[Land Registration Case No. 3650. G. L. R. O. Record
No. 55143]

PATERNIO CHOMACERA and JACINTA ALLERMO,
applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila,

P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Tiaong, Ponciano Añonuevo, Juana Añonuevo, Luis Maralit and Melanio Aranza, all of these in Tiaong, Tayabas, P. I.; Miguel Alimagno, Maria Maralit and Manuel del Valle, all of these in Candelaria, Tayabas, P. I.; Juana Allasas, Leodegario Calabia & Wife and Jose Alvero, all of these in San Pablo, Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Paterno Chomacera and Jacinta Allermo, in the barrio of Lusacan, Tiaong, Tayabas, P. I., to register and confirm their title to the following property:

Eight parcels of land, with improvements thereon, situated in the barrio of Tagbakin, municipality of Tiaong, Province of Tayabas, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113572).—Bounded on the NE. by the Quipot Danay Creek and lot No. 6; on the SE. by a creek, property of Juana Allasas and irrigation ditches; on the SW. by an irrigation ditch and property of Juana Allasas; and on the NW. by property of Juana Añonuevo, the Tuguan Creek and lots Nos. 2, 3, 4 and 5. Point "1" is S. 54° 56' W., 6,363.43 m. from B. L. L. M. No. 6, Candelaria. Area 44,870 square meters.

2. A parcel of land (lot No. 2, plan Psu-113572).—Bounded on the N. and NE. by the Tuguan Creek; and on the S. by lot No. 1. Point "1" is S. 54° 42' W., 6,225.43 m. from B. L. L. M. No. 6, Candelaria. Area 15 square meters.

3. A parcel of land (lot No. 3, plan Psu-113572).—Bounded on the N., NE. and NW. by the Tuguan Creek; and on the S. by lot No. 1. Point "1" is S. 54° 15' W., 6,117.71 m. from B. L. L. M. No. 6, Candelaria. Area 33 square meters.

4. A parcel of land (lot No. 4, plan Psu-113572).—Bounded on the SE. by lot No. 1; and on the NW. by the Tuguan Creek. Point "1" is S. 53° 27' W., 6,105.29 m. from B. L. L. M. No. 6, Candelaria. Area 11 square meters.

5. A parcel of land (lot No. 5, plan Psu-113572).—Bounded on the NE. by the Tuguan Creek; and the Quipot Danay Creek; on the E. by lot No. 1; and on the SW. and NW. by the Tuguan Creek. Point "1" is S. 53° 46' W., 6,75.00 m. from B. L. L. M. No. 6, Candelaria. Area 229 square meters.

6. A parcel of land (lot No. 6, plan Psu-113572).—Bounded on the N. and NE. by the Quipot Danay Creek; on the SE. by property of Miguel Alimagno & Maria Maralit; and on the SW. by lot No. 1. Point "1" is S. 53° 19' W., 6,039.71 m. from B. L.

L. M. No. 6, Candelaria. Area 872 square meters.

7. A parcel of land (lot No. 7, plan Psu-113572).—Bounded on the NE. by property of Luis Maralit; on the SE. by an irrigation ditch and properties of Manuel del Valle and Jose Alvero; on the SW. by an irrigation ditch and property of Jose Alvero; and on the NW. by an irrigation ditch, property of Melanio Aranza and lot No. 8. Point "1" is S. 45° 39' W., 6,544.43 m. from B. L. L. M. No. 6, Candelaria. Area 7,089 square meters.

8. A parcel of land (lot No. 8, plan Psu-113572).—Bounded on the NE. by property of Leodegario Calabia & Wife *vs.* Luis Maralit; on the SE. and SW. by lot No. 7; and on the NW. by an irrigation ditch and properties of Leodegario Calabia & Wife claimed by Melanio Aranza and Leodegario Calabia & Wife. Point "1" is S. 50° 38' W., 6,619.57 m. from B. L. L. M. No. 6, Candelaria. Area 4,556 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941. Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5)

Registration Office

In the Court of First Instance, Province of
Tayabas

Land Registration Case No. 3646. G. L. R. O. Record
No. 551391

MICAELA MAYO *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Tiaong, Cipriana Masangkay, Pedro R. Masangkay, Blas Areglado, Mariano Lago, Perfecto Bautista, Zacarias Bundalian and Ignacio Umali, all of these in Tiaong, Tayabas, P. I.; and Segunda Zarzadias, in Sariaya, Tayabas, and to all whom it may concern:

P. I., and to all whom it may concern: Whereas an application has been presented to this court by Micaela Mayo, in Tiaong, Tayabas, P. I., through the attorney Claro M. Recto, in So-

riano Building, Manila, P. I., to register and confirm her title to the following property:

Two parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-102979), situated in the barrio of Lusacan, municipality of Tiaong, Province of Tayabas, P. I.—Bounded on the NE. by property of Ignacio Umali; on the SE. by property of Segunda Zarzadias; on the SW. by property of Blas Areglado; and on the NW. by properties of Mariano Lago and Zacarias Bundalian & Perfecto Bautista. Point "1" is N. 42° 27' W., 1,972.45 m. from B. L. L. M. No. 83, Lusacan. Area 33,841 square meters.

2. A parcel of land (plan S. W. O.-12142), situated in the barrio of Buliran, municipality of Tiaong, Province of Tayabas, P. I.—Bounded on the N. and NW. by the Bangbang Creek and property of Pedro R. Masangkay; on the E. by the Bangbang Creek and property of Doroteo Masangkay (before) Micaela Mayo (now); on the SE. by the Caturayan Creek; and on the W. by property of Cipriana Masangkay. Point "1" is S. 14° 12' W., 8,728.20 m. from B. L. L. M. No. 1, Tiaong. Area 39,470 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 12th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 9th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Tayabas**

Land Registration Case No. 3649. G. L. R. O. Record
No. 55142]

AGAPITO VILLAYERDE, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and
the Director of Forestry, all of these in Manila,

P. I., the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Lucban, Simplicio Villaverde, Venancio Oblea and Eusebia Deasis, all of these in Lucban, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Agapito Villaverde, in Lucban, Tayabas, P. I., through the attorney Jose E. Tolentino, in Quezon City, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112819), with the improvements thereon, situated in the barrio of Pi-is, municipality of Lucban, Province of Tayabas, P. I.—Bounded on the N. and NW. by the Maapon River; on the SE. by the Alañasin Creek; and on the SW. and W. by property of Simplicio Villaverde. Point "1" is N. 22° 23' E., 1,645.08 m. from B. L. B. M. No. 63, Quilib, Lucban. Area 195,051 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 12th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or an ydecree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 9th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

Land Registration Case No. 1037. G. L. R. O. Record
No. 55186]

MATILDE C. REMETIRA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the Provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Pili, in Pili, Camarines Sur, P. I.; Andres Interino, Luis Canada, Crisanta Felici-dario, the heirs of Bruno Bobis and Delfin Quintillan, all of these in Hibago, Pili, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to

this court by Matilde C. Remetira, in Pili, Camarines Sur, P. I., through the attorneys Luntok & Luntok, in Naga, Camarines Sur, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-110158), situated in the barrio of Ayagan, municipality of Pili, Province of Camarines Sur, P. I.—Bounded on the NE. by the Mangabunga Creek and property of the heirs of Bruno Bobis; on the E. and SE. by property of Delfin Quintillan; on the SW. by the Ayagan Creek; and on the NW. by properties of Andres Interino, Luis Canada and Crisanta Felicidadario. Point "1" is S. 22° 01' E., 3,750.75 m. from B. L. B. M. No. 1, Mabatabato, Pili, Camarines Sur. Area 369,269 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941. Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

In the Court of First Instance, Province of Camarines Sur

Land Registration Case No. 1038. G. L. R. O. Record No. 55187]

LUIS F. ANTONIO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Pamplona, Bartolome Jacob, Bernardo Rivera c/o Pedro Rivera, Andres Ballesteros, Constancio Nabareta and Dionisiano Noblesa, all of these in Pamplona, Camarines Sur, P. I.; Eñigo Ventura c/o Ysidra Leyte, Antonio Candelaria, Andres Mores c/o Andrea Mores, Francisco Manaog, Emilio Paño c/o Emilio Caño and Domingo Serrano c/o Juan Serrano, all of these in Cagbibí, Pamplona, Camarines Sur, P. I.;

Ramon B. Felipe, Maria Caceres, Julio Capucan and Vicente Roco, all of these in Naga, Camarines Sur, P. I.; Constancio Nabareta and Dionisiano Noblesa, these two in San Vicente, Libmanan, Camarines Sur, P. I.; and Vicente Roco c/o Madrigal & Co., in Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Luis F. Antonio, in Naga, Camarines Sur, P. I., through the attorney Ramon B. Felipe, in Naga, Camarines Sur, P. I., to register and confirm his title to the following property:

Three parcels of land, situated in the barrio of Cagbibí, municipality of Pamplona, Province of Camarines Sur, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113700).—Bounded on the N. by property of Eñigo Ventura; on the NE. by the Quitiago Creek and property of Eñigo Ventura; on the SE. by the Bicol River; on the SW. by a creek, properties of Antonio Candelaria, Andres Mores, Francisco Manaog, Emilio Paño, a barrio street and property of Domingo Serrano; and on the NW. by properties of Ramon B. Felipe, Eñigo Ventura and a creek. Point "1" is N. 30° 24' E., 4,408.10 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 129,892 square meters.

2. A parcel of land (lot No. 2, plan Psu-113700).—Bounded on the N. by property of Ramon B. Felipe; on the NE. by property of Dionisiano Noblesa; on the SE. by property of Vicente Roco; on the SW. by properties of Vicente Roco, Ramon B. Felipe and Andres Ballesteros; and on the NW. by properties of Andres Ballesteros and Constancio Nabareta. Point "1" is N. 15° 45' E., 5,073.44 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 36,870 square meters.

3. A parcel of land (lot No. 3, plan Psu-113700).—Bounded on the N. by property of Bernardo Rivera; on the NE. and SE. by property of Ramon B. Felipe; on the SW. by properties of Ramon B. Felipe and Julio Capucan; and on the NW. by property of Bartolome Jacob. Point "1" is N. 19° 42' E., 4,111.80 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 23,757 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear

at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4, 5) Registration Office

**In the Court of First Instance, Province of
Pampanga**

[G. L. R. O. Record No. 2493]

MARIA GERARDO VDA. DE BARRETO ET AL., *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Manager of the Agricultural and Industrial Bank, all of these in Manila, P. I.; the provincial fiscal of Pampanga, in San Fernando, Pampanga, P. I.; and the municipal council of Macabebe, in Macabebe, Pampanga, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Maria Gerardo Vda. de Barreto, on Morga Street No. 98, Tondo, Manila, P. I., represented by the attorney Deogracias T. Reyes, in Brias Roxas Bldg., Manila, P. I. and Consorcio Crisostomo and Hermogena Crisostomo, these two in Hagonoy, Bulacan, P. I., represented by the attorney Magno S. Gatmaitan, in 624 Heacock Bldg., Manila, P. I., to register and confirm their title to the following property:

Three parcels of land, with the improvements thereon, situated in the barrio of Dalayap, municipality of Macabebe, Province of Pampanga, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psd-18227).—Bounded on the NE. by a barrio site; and on the S., SW. and W. by lot No. 2. Point "1" is N. 89° 42' W., 5,247.88 m. from B. L. L. M. No. Masantol. Area 3,112 square meters.

2. A parcel of land (lot No. 2, plan Psd-18227).—Bounded on the N. and NW. by the Nasi River; on the NE. by a barrio site, lot No. 1 and the Dalayap River; on the E., SE. and S. by the Dalayap River; and on the SW. by lot No. 3. Point "1" is N. 86° 30' W., 5,247.88 m. from B. L. L. M. No. 1, Masantol. Area 1,000,001 square meters.

3. A parcel of land (lot No. 3, plan Psd-18227).—Bounded on the NE. by the Nasi River and lot No. 2; on the SE. by the Dalayap River; on the SW. by the Dalayap, Inaun and Nasi rivers; and on the NW. by the Nasi River. Point "1" is N. 86° 30' W., 5,876.50 m. from B. L. L. M. No. 1, Masantol. Area 3,837,215 square meters.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose Ma. Paredes, judge of said court, the 12th day of June, in the year 1941.

Issued at Manila, P. I., this 10th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4, 5) Registration Office

**In the Court of First Instance, Province of
Ilocos Sur**

Land Registration Case No. 504. G. L. R. O. Record
No. 551771

MUNICIPALITY OF SANTA LUCIA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Ilocos Sur, in Vigan, Ilocos Sur, P. I.; Pedro Festejo, in Santa Lucia, Ilocos Sur, P. I.; and the Roman Catholic Bishop of Nueva Segovia, in Vigan, Ilocos Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Santa Lucia, through its mayor, in Sta. Lucia, Ilocos Sur, P. I., to register and confirm its title to the following property:

A parcel of land (lot No. 3538-A, plan Psd-17300), with the building and improvements thereon, situated in the barrios of Alingcaoeg & Bambanaba, municipality of Sta. Lucia, Province of Ilocos Sur, P. I.—Bounded on all sides by lot No. 3538-B (property of Pedro Festejo). Point "1" is N. 15° 56' E., 269.91 m. from B. B. M. No. 5, Sta. Lucia Cad. No. 139. Area 10,001 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held in the municipality of Vigan, Province of Ilocos Sur, P. I., on the 16th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose S. Bautista, judge of said court, the 16th day of May, in the year 1941.

Issued at Manila, P. I., this 10th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4, 5) Registration Office

In the Court of First Instance, Province of Cebu

Land Registration Case No. 526. G. L. R. O. Record No. 55042]

SILVINO Y. DU, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; the municipal council of Bantayan, Tan Siu, Adriana Mansueto, Ciriaco Herrera and Du Bon Phao, all of these in Bantayan, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Silvino Y. Du, in Bantayan, Cebu, P. I., through the attorney Cecilio V. Gillamao, in P. O. Box No. 211, Cebu, Cebu, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112288), with the buildings and improvements thereon, situated in the Poblacion, municipality of Bantayan, Province of Cebu, P. I.—Bounded on the NE. by property of Adriana Mansueto and a private road; on the SE. by a private road; on the SW. by properties of Ciriaco Herrera and Du Bon Phao; and on the NW. by the Plaridel Street. Point "1" is N. 87° 42' E., 24.18 m. from B. L. L. M. No. 1, Bantayan, Cebu. Area 601 square meters. Said parcel being more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 18th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the

prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4, 5) Registration Office

In the Court of First Instance, Province of Cebu

Land Registration Case No. 527. G. L. R. O. Record No. 55055]

LUCIO LOPEZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Cebu and the Municipal Board of Cebu, these two in Cebu, Cebu, P. I.; Felipe Labay, in Banawa, Guadalupe, Cebu, Cebu, P. I.; and Rufina Labos, on Calamba Street No. 207, Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Lucio Lopez, on Calamba Street No. 207, Cebu, Cebu, P. I., through the attorney V. G. Villanueva, in P. O. Box No. 507, Cebu, Cebu, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-98471), situated in the barrio of Guilaguila, City of Cebu, Province of Cebu, P. I.—Bounded on the NE., E. and SE. by the Mananga River; and on the NW. by property of Felipe Labay. Point "1" is N. 52° 28' W., 11,725.68 m. from B. L. L. M. No. 1, Cebu. Area 10,878 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 19th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4,5) Registration Office

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1039. G. L. R. O. Record
No. 55212]

BENIGNA CERESA, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Tigaon, Gaudencio Madera and Consuelo Vda. de Toral, all of these in Tigaon, Camarines Sur, P. I.; Jose Lim Chiolay, in the barrio of Kanawan, Pili, Camarines Sur, P. I.; Jose Jacob, Cecilia Baduria and Luciano L. Santos, all of these in Naga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Benigna Ceresa, in the barrio of Kanawan, Pili, Camarines Sur, P. I., through the attorney Anastacio M. Prila, in Pili, Camarines Sur, P. I., to register and confirm her title to the following property:

Three parcels of land, situated in the barrio of Mabalodbalod, municipality of Tigaon, Province of Camarines Sur, P. I., more particularly determined and described on the plan and technical descriptions attached to the record of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-111571).—Bounded on the NE. by property of Jose Jacob; on the SE. by the Tigaon-Pili Provincial Road; on the SW. by properties of Gaudencio Madera and Consuelo Vda. de Toral; and on the NW. by lot No. 2. Point "1" is S. 51° 51' W., 3,173.93 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 8,100 square meters.

2. A parcel of land (lot No. 2, plan Psu-111571).—Bounded on the NE. by property of Jose Jacob; on the SE. by lot No. 1; and on the NW. by lot No. 3. Point "1" is S. 53° 14' W., 3,140 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 430 square meters.

3. A parcel of land (lot No. 3, plan Psu-111571).—Bounded on the N., NE. and SW. by

property of Consuelo Vda. de Toral; and on the SE. by lot No. 2. Point "1" is S. 53° 28' W., 3,172.43 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 1,103 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 18th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Angeles David, judge of said court, the 5th day of June, in the year 1941.

Issued at Manila, P. I., this 12th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4,5) Registration Office

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1040. G. L. R. O. Record
No. 55213]

MIGUEL PORTO, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Calabanga, in Calabanga, Camarines Sur, P. I.; Martin N. Sales c/o Dr. Matias N. Sales, in Naga, Camarines Sur, P. I.; Eugenio Pajabera and Fortunata Manalo, these two in the barrio of Manguiring, Calabanga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Miguel Porto, in the barrio of Manguiring, Calabanga, Camarines Sur, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-99309), with the building and improvements thereon, situated in the barrio of Manguiring, municipality of Calabanga, Province of Camarines Sur, P. I.—Bounded on the NE. by the Hinaguianan River; on the SE. by property of Carlos Azur (before) *vs.* Eugenio Pajabera (now); on the SW. by a barrio road; and on the NW. by property of the Government of the Philippine Islands *vs.* Martin N. Sales. Point "1" is S. 7° 42' W., 3,688.92 m. from B. L. B. M. No. 1, Si-

bobo, Calabanga. Area 47,754 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 18th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Angeles David, judge of said court, the 5th day of June, in the year 1941.

Issued at Manila, P. I., this 12th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(4, 5) Registration Office

In the Court of First Instance, Province of
Camarines Sur

[Land Registration Case No. 1041. G. L. R. O. Record
No. 55214]

GORGONIA BANUELOS, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Pamplona, Horacio Umali, Jorge Villosa, Domingo Elec, Quintina de Raynes, Francisco Palagan, and Martin Barles, all of these in Pamplona, Camarines Sur, P. I.; and Jose P. Prieto, in Siruma, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Gorgonia Banuelos, in Pamplona, Camarines Sur, P. I., through the attorney Gabriel P. Prieto, in Naga, Camarines Sur, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-107309), situated in the Poblacion, municipality of Pamplona, Province of Camarines Sur, P. I.—Bounded on the NE. by property of Heracleio Umali and the Sapang Del Rosario; on the E. by the Sapang Del Rosario and a creek (no name); on the SE. and S. by a creek (no name); on the SW. by properties of Jorge Villanad Domingo Elec; on the W. by property of Quintina de Raynes; and on the NW. by properties of Francisco Palagan & Martin Barles and Jorge Vi-

lles. Point "1" is 61° 46' E., 1,867.83 m. from B. L. B. M. No. 2, Danao, Pamplona. Area 263,506 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 19th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Angeles David, judge of said court, the 5th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(5, 6) Registration Office

In the Court of First Instance, Province of
Camarines Sur

[Land Registration Case No. 1042. G. L. R. O. Record
No. 55232]

JESUS F. ALVAREZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Libmanan, Jose Antero, Juanuario Cañas, Norberto Nicolas, Trinidad Ortiz Reyes, Juan Goso, Filemon Serrano, Rufino Dilanco, Felipe Alcomendas, Miguel Villarasa, Filomeno Dellagas, Nicasio Macario, Epifanio Soriano, Vicente Casalme, the heirs of Ligorio Colores, Valentin Joven, Antonio Joven, Alfonso Rile, Ursula Agua, Tomas Agua, Timotea Enriquez, Simplicio Mendez, Tecla Felices, Felix Fabricante, Anselma de Arundaing, Claudia Joven, Policarpo Cordis, Pedro Estoy, the heirs of Gregorio Aco, the heirs of Felix Zaldua, Gorgonia Puesta, Vicente Ursua, Martina Carillo, Procopio Carillo, Luciano Carillo, Apolonia Peña-redondo, Francisca de Sotto, Fortunata Junio, Cipriano Moral, Flaviana Ortiz, Deogracias Mocipriano Moral, the heirs of Pablo Perpetua, Patricio General, Valeriano Moso, Graciano Nerva, Meliton Rosano, Vicenta Rodela, Arcadia Flores, Nico-

lasa Sandagun, Agapito Nogra, Francisco Avenilla, Jose Jaucean, Demetrio Junio, Nicolasa Candelaria, Lazaro Carmelo, Felino Alba and Clara Ciriaco, all of these in Libmanan, Camarines Sur, P. I.; Wenceslao Manuel and Filomena Briza, these two in Naga, Camarines Sur, P. I.; Mariano Salas, in Molo, Iloilo, P. I.; Crisanto Gusayco, in Nagcarlan, Laguna, P. I.; and Felix Saturno c/o Bureau of Justice, in Manila, P. I., to and all to whom it may concern:

Whereas an application has been presented to this court by Jesus F. Alvarez, in Naga, Camarines Sur, P. I., through the attorney Maximo Nisolada, in Naga, Camarines Sur, P. I., to register and confirm his title to the following property:

Thirteen parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113253, sheet No. 1), situated in the barrio of Awayan, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by property of Wenceslao Manuel; on the SE. by property of Filemon Serrano and the Suculwang Creek; and on the SW. and NW. by the Libmanan River. Point "1" is S. 27° 43' E., 4,561.60 m. from B. L. L. M. No. 1, Sipocot. Area 216,293 square meters.

2. A parcel of land (lot No. 2, plan Psu-113253, sheet No. 2), situated in the barrio of Tumanan, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by property of the heirs of Ligorio Colores and the Tumanan Creek; on the E. by property of the heirs of Ligorio Colores; on the SE. by property of the heirs of Ligorio Colores, the Tumanan Creek and property of Mariano Salas; on the SW. by a barrio road, property of Juan Goso and the Buling Creek; on the W. by properties of Miguel Villarasa, Nicasio Macario (Filomeno Dellagas) and Januario Cañas; and on the NW. by the Tumanan Creek and properties of Epifanio Soriano and Vicente Casalme. Point "1" is S. 70° 37' E., 790.70 m. from B. L. L. M. No. 1, Tumanan, Libmanan. Area 276,459 square meters.

3. A parcel of land (lot No. 3, plan Psu-113253, sheet No. 3), situated in the Poblacion, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Ursula Agua, Tomas Agua, Timotea Enriquez and Simplicio Mendez; on the E. by property of Simplicio Mendez; on the SE. by property of Felix Fabricante; on the S. by the Poro Street and property of Anselma de Arundaing; on the W. by the Poro Creek; and on the NW. by property of Tecla Felices (Antonio Joven),

a canal and properties of Alfonso Rile and Ursula Agua. Point "1" is S. 67° 08' W., 1,232.91 m. from B. L. L. M. No. 2, Libmanan. Area 135,383 square meters.

4. A parcel of land (lot No. 4, plan Psu-113253, sheet No. 3), situated in the barrio of Poro, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the N. by the Poro Street; on the E. by property of Claudia Joven; on the S. by the Libmanan River; and on the NW. by the Poro Creek. Point "1" is S. 72° 34' W., 1,618.70 m. from B. L. L. M. No. 2, Libmanan. Area 2,325 square meters.

5. A parcel of land (lot No. 5, plan Psu-113253, sheet No. 3), situated in the barrio of Poro, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the N. and NW. by property of Pedro Estoy; on the E. and SE. by property of Valentina Joven; on the S. by the Poro Street; and on the W. by the proposed provincial road. Point "1" is S. 75° 01' W., 1,763.96 m. from B. L. L. M. No. 2, Libmanan. Area 4,522 square meters.

6. A parcel of land (lot No. 6, plan Psu-113253, sheet No. 4), situated in the barrio of Poro, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by the Poro Street; on the SE. by property of the heirs of Gregorio Aco; on the SW. by the Libmanan River; and on the NW. by property of the heirs of Felix Zaldua. Point "1" is S. 80° 15' W., 2,227 m. from B. L. L. M. No. 2, Libmanan. Area 5,678 square meters.

7. A parcel of land (lot No. 6, plan Psu-113253, sheet No. 4), situated in the barrio of Poro, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the N. and NW. by property of Gorgonia Puesta; on the NE. by property of Vicente Ursua; on the SE. by property of the heirs of Gregorio Aco; and on the SW. by the Poro Street. Point "1" is S. 82° 01' W., 2,297.68 m. from B. L. L. M. No. 2, Libmanan. Area 2,963 square meters.

8. A parcel of land (lot No. 8, plan Psu-113253, sheet No. 4), situated in the barrio of Poro, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the N. and W. by a creek (no name); on the NE. by properties of Simplicio Mendez, Procopio Carillo and Luciano Carillo; on the SE. by properties of Apolonia Peñaredondo, the heirs of Felix Zaldua and Lazaro Carmelo; and on the SW. by the Libmanan River and a creek (no name). Point "1" is S. 83° 24' W., 2,375.26 m. from B. L. L. M. No. 2, Libmanan. Area 34,088 square meters.

9. A parcel of land (lot No. 9, plan Psu-113253, sheet No. 5), situated in the barrio of Ybed, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. and SE. by property of

Crisanto Gusayco; on the SW. by properties of Francisca de Soto and Fortunata Junio and a barrio road; and on the NW. by properties of Cipriano Moral and Flaviana Ortiz and the provincial road. Point "1" is N. 68° 50' E., 3,622.50 m. from B. L. M. No. 1, Libmanan. Area 68,861 square meters.

10. A parcel of land (lot No. 10, plan Psu-113253, sheet No. 5), situated in the barrio of Ybed, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Flaviana Ortiz and Deogracias Moral; on the SE. by property of Crisanto Gusayco and the provincial road; and on the SW. and NW. by property of Flaviana Ortiz. Point "1" is N. 63° 17' E., 3,915.82 m. from B. L. M. No. 1, Libmanan. Area 36,104 square meters.

11. A parcel of land (lot No. 11, plan Psu-113253, sheet No. 6), situated in the barrio of Ybed, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Patricio Genova, Valeriano Moso, Graciano Nerva and Meliton Rosano; on the SE. by property of Patricio Genova; on the S. by property of Vicenta Rodela; on the SW. by properties of Arcadia Flores, Clara Ciriaco and the heirs of Pablo Perpetua; and on the NW. by property of the heirs of Pablo Perpetua. Point "1" is N. 86° 10' E., 3,280.79 m. from B. L. M. No. 1, Libmanan. Area 67,283 square meters.

12. A parcel of land (lot No. 12, plan Psu-113253, sheet No. 6), situated in the barrio of Ybed, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Demetrio Junio & Jose Jaucean, the heirs of Pablo Perpetua and Clara Ciriaco; on the SE. by properties of Arcadia Flores and Nicolasa Sandagun; on the S. by property of Nicolasa Sandagun; on the SW. by properties of Agapito Nogra and the heirs of Pablo Perpetua; and on the NW. by a trail. Point "1" is N. 85° 15' E., 2,873.13 m. from B. L. M. No. 1, Libmanan. Area 48,471 square meters.

13. A parcel of land (lot No. 13, plan Psu-113253, sheet No. 7), situated in the barrio of Comabugan, municipality of Libmanan, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Nicolasa Candelaria and Lazaro Carmelo; on the SE. by property of the heirs of Pablo Perpetua; on the SW. by properties of Felino Alba and Felix Saturno; and on the NW. by property of Felix Saturno. Point "1" is N. 34° 52' W., 3,355.77 m. from B. L. M. No. 1, Libmanan. Area 22,333 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 19th day of August,

A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Angeles David, judge of said court, the 7th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
[5, 6]

In the Court of First Instance, Province of Batangas

[Land Registration Case No. 1271. G. L. R. O. Record No. 55244]

FLORA CASTILLO DE DIEZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Batangas, in Batangas, Batangas, P. I.; the municipal council of San Juan, Leopoldo Perez, Generoso Quijano and Santiago Babao, all of these in San Juan, Batangas, P. I.; the heirs of Manuela Perez and Jovita Castillo, all of these on Alejandro VI Street No. 31, Sampaloc, Manila, P. I.; and Carlos Diez, on F. B. Harrison Street No. 803, Pasay, Rizal, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Flora Castillo de Diez, on F. B. Harrison Street No. 803, Pasay, Rizal, P. I., to register and confirm her title to the following property:

Two parcels of land, situated in the sitio of Nayong, barrio of Laiya, municipality of San Juan, Province of Batangas, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-111147).—Bounded on the NE. by properties of Leopoldo Perez and the heirs of Manuela Perez vs. Leopoldo Perez; on the SE. and S. by the Tayabas Leopoldo Perez; on the SW. by lot No. 2 and lot No. 3 (property of Generoso Quijano); and on the NW. by property of Santiago Babao. Point "1" is S. 85° 55' E., 3,823.33 m. from B. L. M. No. 1, Laiya, San Juan, (Bolbok). Area 232,433 square meters.

2. A parcel of land (lot No. 2, plan Psu-111147).—Bounded on the NE. by lot No. 1; on the SE. by the Tayabas Bay; and on the SW. by properties of Generoso Quijano. Point "1" is S. 72° 26' E., 3,973.36 m. from B. L. B. M. No. 1, Laiya, San Juan (Bolbok). Area 13,409 square meters.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the municipality of Batangas, Province of Batangas, P. I., on the 22d day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Mariano L. de la Rosa, judge of said court, the 17th day of June, in the year 1941.

Issued at Manila, P. I., this 17th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
[5, 6]

**In the Court of First Instance, Province of
Bulacan**

[Land Registration Case No. 1408. G. L. R. O. Record
No. 55248]

ENRIQUETA GATMAITAN ET AL., applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Bulacan, in Malolos, Bulacan, P. I.; the municipal council of Paombong, Eladio Francisco, Feliciano Tiongson and Marta Centeno, all of these in Paombong, Bulacan, P. I.; Catalina T. Reyes, in Malolos, Bulacan, P. I.; and Victorina Clemente, in Malolos, Bulacan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Enriqueta Gatmaitan, on Laguna Street No. 320-A, Manila, P. I., and the spouses Pedro Caluag and Dominga Agustin, in Paombong, Bulacan, P. I., through the attorney Vicente Platon, in Malolos, Bulacan, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-90450), with the buildings and improvements thereon, situated in the barrio of Santo Niño, municipality of Paombong, Province of Bulacan, P. I.—Bounded on the NE. and SE. by the Kalanate River; on the SW. by the Man-

gas Creek and property of Victorina Clemente; and on the NW. by properties of Victorina Clemente, Marta Centeno and Catalina T. Reyes. Point "1" is S. 66° 42' W., 1,478.53 m. from B. L. L. M. No. 2, Malolos. Area 81,845 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, P. I., on the 19th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Arsenio Roldan, judge of said court, the 18th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
[5, 6]

**In the Court of First Instance, Province of
Bulacan**

[Land Registration Case No. 1411. G. L. R. O. Record
No. 55251]

MARGARITA ENRIQUEZ, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Bulacan, in Malolos, Bulacan, P. I.; the municipal council of Paombong, Felix Gonzales, Nicolasa Manas, Macaria Pazco, Nazario Gonzalez, Apolonia Leyva, Nicolasa Carpio and the heirs of Ignacio Valencia, all of these in Paombong, Bulacan, P. I.; and Buenaventura Aniag, in the barrio of Atlag, Malolos, Bulacan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Margarita Enriquez, in the barrio of Atlag, Malolos, Bulacan, P. I., through the attorney Jose C. Borlongan, in Malolos, Bulacan, P. I., to register and confirm her title to the following property:

Three parcels of land, with the improvements thereon, situated in the barrio of San Jose, municipality of Paombong, Province of Bulacan, P. I., more particularly determined and described on the plan and technical descriptions attached to the re-

cords of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113501).—Bounded on the NE. by the Cotcot River; on the SE. by the Tangal Creek; on the SW. by lot No. 2 and property of Nazario Gonzales; and on the NW. by properties of Apolonia Leyva, Nicolasa Carpio, Nicolasa Manas and the heirs of Ignacio Valencia. Point "1" is S. 27° 19' W., 3,991.36 m. from B. L. L. M. No. Malolos. Area 149,735 square meters.

2. A parcel of land (lot No. 2, plan Psu-113501).—Bounded on the NE. by lot No. 1; on the SE. by the Tangal Creek; on the SW. by lot No. 3 and the Tangal Creek; and on the NW. by properties of Macaria Pazco and Nazario Gonzales. Point "1" is S. 26° 21' W., 4,247.10 m. from B. L. L. M. No. 1, Malolos. Area 4,708 square meters.

3. A parcel of land (lot No. 3, plan Psu-113501).—Bounded on the NE. and NW. by lot No. 2; on the SE. by lot No. 2 and the Tangal Creek; and on the SW. by the Tangal Creek. Point "1" is S. 23° 25' W., 4,476 m. from B. L. L. M. No. 1, Malolos. Area 28,953 square meters.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, P. I., on the 19th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Arsenio Roldan, judge of said court, the 18th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

In the Court of First Instance, Province of
Bulacan

[Land Registration Case No. 1412. G. L. R. O. Record
No. 55252]

JULIETA DE LA CRUZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Bulacan, in Malolos, Bulacan, P. I.; the municipal council of Bustos, in Bustos, Bulacan, P. I.; Angel del Rosario and Ambrosio Rivera, these two in Ti-

bagan, Bustos, Bulacan, P. I.; Dolores de los Santos, Tomas Paulino and Andres de Leon, all of these in Bañga Mayor, Bustos, Bulacan, P. I.; Martin Villarica, in Marilao, Bulacan, P. I.; and Arturo Andres, in Lawangbato, Sta. Maria, Bulacan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Julita de la Cruz, in Lawangbato, Sta. Maria, Bulacan, P. I., through the attorney Arsenia E. Sauco, in Malolos, Bulacan, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-24771-Amd) (SWO-16943), situated in the barrio of Tibagan, municipality of Bustos, Province of Bulacan, P. I.—Bounded on the NE. by properties of Angel del Rosario and Ambrosio Rivera; on the E. and SE. by property of Dolores de los Santos; on the SW. by properties of Dolores de los Santos, Martin Villarica and Tomas Paulino; on the W. by property of Andres de Leon; and on the NW. by property of Angel del Rosario. Point "1" is S. 66° 55' E., 5,062 m. from B. L. L. M. No. 1, Bustos, Bulacan. Area 26,215 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, P. I., on the 19th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Arsenio Roldan, judge of said court, the 18th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[5, 6]

In the Court of First Instance, Province of
Rizal

[Land Registration Case No. 1470. G. L. R. O. Record
No. 55160]

MARCIANO DE LA CRUZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provin-

8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witnesses the Hons. Diego Locsin and Serviliano Platon, judges of this court, the 11th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(5, 6) *Registration Office*

In the Court of First Instance, Province of Rizal

[Land Registratino Case No. 1478. G. L. R. O. Record No. 55236]

ANTONIO S. FERNANDO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Rizal, in Pasig, Rizal, P. I.; the municipal council of Antipolo, Ignacio Oldan, the heirs of Ignacio Simeon, Maxima Tolentino, the heirs of Felix Portoza, Jose Maculata, Diosdado Leyva, Jose P. Ramos and Gabriel Panganiban, all of these in Antipolo, Rizal, P. I.; and Felisa Nicolas Fernando, on Taft Avenue No. 817, Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Antonio S. Fernando, on Taft Avenue No. 817, Manila, P. I., through the attorney Benedicto M. Javier, in 225 Samanillo Building, Manila, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-100788), situated in the municipality of Antipolo, Province of Rizal, P. I.—Bounded on the NE. by properties of the heirs of Ignacio Simeon and the heirs of Felix Portoza; on the E. by property of the heirs of Felix Portoza; on the SE. by property of Maxima Tolentino; on the SW. by property of Maxima Tolentino (Jose Maculata) *vs.* Diosdado Leyva, a trail and properties of Joe P. Ramos; and on the NW. by a trail and property of Jose P. Ramos. Point "1" is S. 43° 13' E., 2,355 m. from B. L. L. M. No. 1, Antipolo. Area 125,550 square meters. Said parcel being more particularly determined and decribed on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal at its session to be held in the municipality of Pasig, Province of Rizal,

53200—13

P. I., on the 18th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witnesses the Hons. Diego Locsin and Serviliano Platon, judges of this court, the 11th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(5, 6) *Registration Office*

In the Court of First Instance, Province of Rizal

[Land Registration Case No. 1479. G. L. R. O. Record No. 55237]

FERNANDO PERIQUET, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Rizal, in Pasig, Rizal, P. I.; the municipal council of Tanay, Julio Catulos, Joaquin Jimenez, Francisco Gaspar, Gregoria Sison, Francisco Gaspar y Jabson, Victoriana de Quiok y Jabson, Restituto Piging, the heirs of Maximino Matienzo, Victoriano Suarez, Fortunato Denlauso, Gervacio Jimenez, Victor Catambay, Santiago Matienzo, Segundo Pagalunan, Juan Poto, Modesta Inarda, Simeon Folgueras, Gavino Siolat, Sotero Marcoleta, Emilio Peñaranda, Dionisia Federico, Candido Aquino, Leon Melendres, Saturnino Mercado and the heirs of Luis Catulos, all of these in Tanay, Rizal, P. I.; and Petra Francisco, on Batangas Street No. 535, Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Fernando Periquet, on Batangas Street No. 535, Manila, P. I., through the attorney Benedicto M. Javier, in 225 Samanillo Building, Manila, P. I., to register and confirm his title to the following property:

Six parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land lot No. 1, plan Psu-108746, sheet No. 1), situated in the barrio of Bambang, municipality of Tanay, Province of Rizal, P. I.—

Bounded on the NE. by properties of Joaquin Jimenez and Francisco Gaspar; on the SE. by property of Gregoiria Sison; on the SW. by properties of Gregorio Sison and Francisco Gaspar y Jabson & Victoriana de Quiok y Jabson; and on the NW. by properties of Francisco Gaspar y Jabson & Victoriana de Quiok y Jabson and Julio Catulos. Point "1" is N. 79° 39' E., 1,591.59 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 7,992 square meters.

2. A parcel of land (lot No. 2, plan Psu-108746, sheet No. 1), situated in the barrio of Jugasang Aldea, municipality of Tanay, Province of Rizal, P. I.—Bounded on the NE. by property of the heirs of Maximino Matienzo and an irrigation canal; on the SE. and NW. by properties of the heirs of Maximino Matienzo; on the S. and W. by property of Restituto Piging; and on the SW. by property of Restituto Piging and an irrigation canal. Point "1" is N. 77° 39' E., 1,271.18 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 595 square meters.

3. A parcel of land (lot No. 3, plan Psu-108746, sheet No. 2), situated in the barrio of Lubigan, municipality of Tanay, Province of Rizal, P. I.—Bounded on the SE. by properties of Fortunato Denlauso, Gervasio Jimenez and Victor Catambay; on the S. by property of Santiago Matienzo; on the W. by property of Segundo Pagalunan; and on the NW. by property of Segundo Pagalunan and the Trail Paranghari. Point "1" is N. 54° 27' E., 1,963.68 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 2,323 square meters.

4. A parcel of land (lot No. 4, plan Psu-108746, sheet No. 1), situated in the barrio of Lubigan, municipality of Tanay, Province of Rizal, P. I.—Bounded on the NE. and SE. by property of Simeon Folgueras; on the SW. by property of Modesta Inarada; and on the NW. by an irrigation ditch. Point "1" is N. 76° 13' E., 1,490.28 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 1,253 square meters.

5. A parcel of land (lot No. 5, plan Psu-108746, sheet No. 3), situated in the Poblacion, municipality of Tanay, Province of Rizal, P. I.—Bounded on the N. by the Magtangol Street; on the E. by property of Gavino Siolat; on the S. by properties of Sotero Marcoleta and Emilio Peñaranda; and on the W. by property of Dionisia Federico & Candido Aquino. Point "1" is S. 12° 38' E., 218.73 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 517 square meters.

6. A parcel of land (lot No. 6, plan Psu-108746, sheet No. 4), situated in the barrio of Kayambala, municipality of Tanay, Province of Rizal, P. I.—Bounded on the N. and SE. by properties of Leon Melendres; on the NE. by properties of the heirs of Luis Catulos and Leon Melendres; and on the SW. and W. by property of Saturnino Mercado. Point "1" is N. 29° 18' W., 682.04 m. from B. L. L. M. No. 1, Tanay, Rizal. Area 2,181 square meters.

You are hereby cited to appear before the Court of First Instance of Rizal at its session to be held in the municipality of Pasig, Province of Rizal, P. I., on the 18th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witnesses the Hons. Diego Locsin and Serviliano Platon, judges of said court, the 11th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(5, 6) *Registration Office*

In the Court of First Instance, Province of Laguna

[Land Registration Case No. 2246. G. L. R. O. Record No. 55102]

PAZ YATCO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Laguna, in Santa Cruz, Laguna, P. I.; the municipal council of Cabuyao, Leon Purificacion, the heirs of Agustina Alberto, Vitaliano Bailon, Jacinto Baraquia, Enrique Hemedes, Roman de los Trinos, Saturnina Baraquia, Gregorio Manipol, Pioquinto Gengco, Cristina Mandola, Cornelio Hermano, Jose Hermano, Bartolome Batario, Narcisa Sanciango, Pedro de Monteverde, Josefa Carpena, Marcelino Bariring, and Teodorico Lanaca, all of these in Cabuyao, Laguna, P. I.; Maria Luisa and Milagros Potenciano, these two on M. H. del Pilar Street No. 980, Malate, Manila, P. I.; the heirs of Lorenzo Alberto, on Trinidad Street No. 618, Sta. Cruz, Manila, P. I.; the heirs of Felipa Dimaranan, Mariano Gana, Rosenda Almeda, Antonio Almeda, Esteban Almeda, Guadalupe Matilde, Simeona C. Trinidad, Leonila Yatco, Isidro Ocampo, Paz Ocampo, Josefa Ocampo, Gil Ocampo, Mauro Ocampo, Vicente Ocampo, Filemeno O. Gana, Josefa Yaptinchay, the heirs of Edilberto A. Ocampo, the heirs of Basilia Dimaranan and the heirs of Jesualdo Gana, all of these in Biñang, Laguna, P. I.; Emilio Carpena, Carmen Carpena, Tomasa Carpena and Salome Carpena, all of these in Santa

Rosa Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Paz Yatco, in Biñang, Laguna, P. I., through the attorney Feliciano Gomez, in Santa Rosa, Laguna, P. I., to register and confirm her title to the following property:

Seven parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112711, sheet No. 1), situated in the barrio of Gulod, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the NE. by properties of Cristina Mandola, Cornelio & Jose Hermano et al and Bartolome Batario et al; on the SS. by property of Narcisa Sanciango; on the SW. by a canal and property of Pedro de Monteverde; and on the NW. by properties of the heirs of Basilia Dimaranan, and Cristina Mandola. Point "1" is S. 58° 29' E., 5,519.38 m. from B. L. L. M. No. 1, Cabuyao. Area 33,866 square meters.

2. A parcel of land (lot No. 2, plan Psu-112711, sheet No. 1), situated in the barrio of Gulod, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the NE. by canals and properties of Guadalupe Matilde & Simeona C. Trinidad and Josefa Carpena; on the SE. by a canal and property of Marcelino Bariring; on the SW. by property of Marcelino Bariring, a canal and lot No. 3; and on the NW. by a canal and properties of Roman de los Trinos and the heirs of Jesualdo Gana. Point "1" is S. 56° 02' E., 4,748.44 m. from B. L. L. M. No. 1, Cabuyao. Area 29,553 square meters.

3. A parcel of land (lot No. 3, plan Psu-112711, sheet No. 1), situated in the barrio of Gulod, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the E. by lot No. 2; on the SE. by a canal and property of Marcelino Bariring; on the SW. by a canal and properties of Cornelio Hermano and Teodorico Lanaca; and on the NW. by a canal and property of Roman de los Trinos. Point "1" is S. 53° 50' E., 4,611.11 m. from B. L. L. M. No. 1, Cabuyao. Area 28,476 square meters.

4. A parcel of land (lot No. 4, plan Psu-112711, sheet No. 2), situated in the barrio of Vigaa, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the NE. and SE. by canals and property of Maria Luisa & Milagros Potenciano; on the SW. by a canal and properties of Josefa Yaptinchay and Filomeno O. Gana; and on the NW. by canals and properties of the heirs of Lorenzo Alberto, Leonila Yatco and Josefa Yaptinchay. Point "1"

is N. 63° 38' E., 1,455.97 m. from B. L. L. M. No. 1, Cabuyao. Area 52,004 square meters.

5. A parcel of land (lot No. 5, plan Psu-112711, sheet No. 3), situated in the barrio of Marinig, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the NE. by a canal and property of Gregorio Manipol; on the SE. by a canal and property of the heirs of Edilberto A. Ocampo; on the SW. by canals and properties of Pioquinto Gengco and Roman de los Trinos; and on the NW. by a canal and properties of Roman de los Trinos, Saturnina Baraquia and Leonila Yatco. Point "1" is N. 13° 19' E., 3,953.55 m. from B. L. B. M. No. 1, Banlic, Cabuyao. Area 23,432 square meters.

6. A parcel of land (lot No. 6, plan Psu-112711, sheet No. 4), situated in the barrio of Sala, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the NE. by the Salang Langca River; on the SE. by the Salang Langca River and property of the heirs of Felipa Dimaranan (before) Mariano Gana (now); on the SW. by property of the heirs of Felipa Dimaranan (before) Mariano Gana (now), a canal, and property of Rosenda, Antonio & Esteban Almada and Leon Purificacion; and on the NW. by property of Leon Purificacion, a canal and property of the heirs of Agustina Alberto. Point "1" is E. 41° 55' E., 1,450 m. from B. L. L. M. No. 1, Cabuyao. Area 57,629 square meters.

7. A parcel of land (lot No. 7, plan Psu-112711, sheet No. 5), situated in the barrio of Sala, municipality of Cabuyao, Province of Laguna, P. I.—Bounded on the N. by property of Vitaliano Bailon; on the NE. by property of Vitaliano Bailon, a canal and properties of Guadalupe Matilde & Simeona C. Trinidad and Jacinto Baraquia; on the SE. by a canal, properties of Jacinto Baraquia and Leonila Yatco; on the SW. by properties of Enrique Hemedes and Filomeno O. Gana; and on the W. by property of Filomeno O. Gana. Point "1" is S. 18° 30' W., 1,050.44 m. from B. L. L. M. No. 1, Cabuyao. Area 22,157 square meters.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of Laguna, P. I., on the 20th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Emilio Rilloraza, judge of said court, the 6th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 (5, 6)

**In the Court of First Instance, Province of
 Laguna**

[Land Registration Case No. 2251. G. L. R. O. Record
 No. 55241]

GRACIANO. VICUÑA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Laguna, in Santa Cruz, Laguna P. I.; the municipal council of Santa Maria and Vicente Redor, these two in Santa Maria, Laguna, P. I.; Domingo Valdespinosa and Gabriel Serrano, these two in Siniloan, Laguna, P. I.; Valentin Evangelista, in Santa Cruz, Laguna, P. I.; Valentin Bartolome, in Bagumbayan, Santa Cruz, Laguna, P. I.; Pastor de la Torre, the heirs of Camilo Abarry and Severina Laharca, all of these in Mabitac, Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Graciano Vicuña, in Mabitac, Laguna, P. I., through the attorney Juan A. Baes, in Santa Cruz, Laguna, P. I., to register and confirm his title to the following property:

A parcel of land (plan Pu-112328), situated in the barrio of Biga, municipality of Santa Maria, Province of Laguna, P. I.—Bounded on the N. by a sapa and properties of Domingo Valdespinosa and Vicente Redor; on the NE. by a sapa and property of Vicente Redor; on the E. by property of Gabriel Serrano; on the S. by a ditch and property of Pastor de la Torre; on the SW. by properties of Valentin Evangelista and the heirs of Camilo Abarry; and on the NW. by property of Valentin Bartolome, a sapa and property of Domingo Valdespinosa. Point "1" is N. 49° 11' W., 9,070 m. from Pañgil Bell Tower, Pañgil. Area 66,540 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of Laguna, P. I., on the 20th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the

time and place aforesaid your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Emilio Rilloraza, judge of said court, the 13th day of June, in the year 1941.

Issued at Manila, P. I., this 15th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 (5, 6)

**In the Court of First Instance, Province of
 Misamis Oriental**

[Land Registration Case No. 235. G. L. R. O. Record
 No. 55168]

VICENTE FERNANDEZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Manager of the Philippine National Bank, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Misamis Oriental, in Cagayan, Misamis Oriental, P. I.; the municipal council of Talisayan, in Talisayan, Misamis Oriental, P. I.; Benita Fernandez, in Balingasag, Misamis Oriental, P. I.; Pulquiria Legaspi, Marta Jugo, Marcelina Liloc, Patricio Fernandez, Maria Llamoro, Lucena Babano, Pedro Bagtong, Restituto Mercado, Fortunato Abanil, Dominador Abanil and Pedro Fernandez, all of these in Balinguan, Talisayan, Misamis Oriental, P. I.; Benedicto Lagbas, in Cogon, Kinoguitan, Misamis Oriental, P. I.; Juan Corrales and Ramona Nery de Gaerlan, these two in Mambajao, Misamis Oriental, P. I.; and to all whom it may concern:

Whereas an application has been presented to this court by Vicente Fernandez, in Balinguan, Talisayan, Misamis Oriental, P. I., to register and confirm his title to the following property:

Three parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-19041, sheet No. 1), situated in the sitio of Lapinig, barrio of Baliuguan, municipality of Talisayan, Province of Misamis Oriental, P. I.—Bounded on the NE. by properties of Lucena Babano and Juan Corrales;

on the E. by property of Lucena Babano; on the SE. by property of Juan Corrales; on the S. by property of Pedro Fernandez & Benita Fernandez; on the SW. by a barrio road to Kausiwagan and property of Patricio Fernandez; and on the NW. by the provincial road and property of Maria Llamoro. Point "1" is S. 28° 58' E., 390.62 m. from B. L. B. M. No. 1, Balinguan, Talisayan. Area 207,680 square meters.

2. A parcel of land (lot No. 2, plan Psu-19041, sheet No. 1), situated in the sitio of Lapinig, barrio of Baliñguan, municipality of Talisayan, Province of Misamis Oriental, P. I.—Bounded on the NE. and E. by a barrio road to Kausiwagan; and on the SW. by property of Ramona Nery de Gaerlan and the Lapinig River. Point "1" is S. 48° 12' W., 404.33 m. from B. L. B. M. No. 1, Balinguan, Talisayan. Area 8,710 square meters.

3. A parcel of land (lot No. 3, plan Psu-19041, sheet No. 2), situated in the sitio of Cabunto, barrio of Baliñguan, municipality of Talisayan, Province of Misamis Oriental, P. I.—Bounded on the NE. by properties of Benedicto Lagbas and Restituto Mercado; on the SE. by properties of Fortunato Abanil & Dominador Abanil and Juan Corrales; on the SW.

by property of Pedro Fernandez; on the W. by properties of Pedro Fernandez and Juan Corrales; and on the NW. by properties of Pedro Bagtong. Point "1" is S. 25° 35' E., 616.40 m. from B. L. B. M. No. 1, Baliñguan, Talisayan. Area 132,250 square meters.

You are hereby cited to appear before the Court of First Instance of Misamis Oriental, at its session to be held in the municipality of Cagayan, Province of Misamis Oriental, P. I., on the 23d day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Lope Consing, judge of said court, the 10th day of June, in the year 1941.

Issued at Manila, P. I., this 12th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAYAS
Chief of the General Land
Registration Office
(5, 6)

DEPARTMENT OF PUBLIC WORKS AND COMMUNICATIONS

Office of the Secretary

APPORTIONMENT OF PUBLIC WATERS

List of the appropriations of water according to priority on the Malansad and Pamplona Rivers and their tributaries, Province of Camarines Sur.

Whereas, in order to determine the priority of appropriation, and to grant rights in accordance with the provisions of the "Irrigation Law," Act No. 2152, as amended, all claimants of the right to the use of the waters of the Malansad and Pamplona Rivers and their tributaries in the Province

of Camarines Sur were duly notified as provided by the said Act No. 2152, as amended, to file in the office of the Director of Public Works, sworn statements setting forth the information therein required, and

Whereas, the Director of Public Works, having caused to be made, as provided by the said Act, as amended, a complete investigation of the claim, accordingly filed, as submitted for the approval of the undersigned a list of the appropriation according to priority, as determined by him, of said public waters.

Now therefore, said list, having been duly approved by the undersigned, is hereby published, as provided by Act No. 2152, as amended, for the information and guidance of all concerned, to wit:

LOTS IRRIGATED DURING THE RAINY SEASON—FROM MAY TO NOVEMBER
DAMS NOS. 1 AND 11—MALANSAD RIVER AND PAMPLONA MAIN CANAL

(1) Priority num- ber	(2) Name	(3) Post-office address	(4) Parcel number	(5) Area of present irri- gated land in hectares	(6) Amount of water entitled in liters per second	(7) Prior appro- priation in liters per second
1	Doroteo Abrigo.....	Tayabas, Tayabas.....	62	13.9725	13.97	0.00
2	do.....	do.....	56	6.5100	6.51	13.97
3	Diego Percia.....	Pamplona, Camarines Sur.....	57	1.3020	1.30	20.48
4	Doroteo Abrigo.....	Tayabas, Tayabas.....	65	47.8785	47.88	21.78
5	do.....	do.....	66	29.1400	29.14	69.66

DAMS NOS. 1 AND 12—MALANSAD RIVER AND PAMPLONA MAIN CANAL

(1) Priority number	(2) Name	(3) Post-office address	(4) Parcel number	(5) Area of present irri- gated lands in hectares	(6) Amount of water entitled in liters per second	(7) Prior appro- priation in liters per second
6	Andres Ellana.....	Naga, Camarines Sur.....	60	18.2900	18.29	98.80
7	do.....	do.....	61	10.3230	10.32	117.09
8	Mamerto Cruz.....	do.....	58	28.7680	28.77	127.41
9	do.....	do.....	59	1.4570	1.46	156.18
10	Antonio Genio.....	do.....	63	5.0375	5.04	157.64
11	Andres Ellana.....	do.....	64	4.8980	4.90	162.68
12	Purificacion Vda. de Agapay.....	Libmanan Camarines Sur.....	67	2.0770	2.08	167.58
13	do.....	do.....	68	0.5890	0.59	169.66
14	Florencio Agomas.....	Camaligan, Camarines Sur.....	69	5.3440	5.34	170.25
15	Dominador Sumilang.....	Tayabas, Tayabas.....	73	15.0040	15.00	175.59

DAM NO. 7—CABURAS CREEK

16	Ventura Cuya.....	Libmanan, Camarines Sur.....	127	0.3875	0.39	190.59
17	Agaton Ursua.....	do.....	128	3.9370	3.94	190.98
18	Vicente Bulaong.....	do.....	130	1.4105	1.41	194.02
19	Basilio Fuentes.....	do.....	131	1.4415	1.44	196.33
20	Valentin Toledano.....	do.....	132	2.5745	2.57	197.77
21	Vicente Bulaong.....	do.....	133	1.6085	1.61	200.34
22	Victoriano Francisco.....	do.....	134	3.0070	3.01	201.95
23	Vicente Bulaong.....	do.....	135	6.7425	6.74	204.96
24	Agaton Soliven.....	do.....	136	5.7045	5.70	211.70
25	Atanacio Alcomendas.....	do.....	137	2.3560	2.36	217.40

DAMS NOS. 1 AND 13—MALANSAD RIVER AND PAMPLONA MAIN CANAL

26	Purificacion Vda. de Agapay.....	Libmanan, Camarines Sur.....	70	4.9345	4.93	219.76
27	Dominador Sumilang.....	Tayabas, Tayabas.....	71	0.8060	0.81	224.69
28	Simeon Elgo.....	Libmanan, Camarines Sur.....	72	2.2155	2.22	225.50

DAMS NOS. 1, 8, AND 9—MALANSAD RIVER AND PAMPLONA MAIN CANAL

29	Rosario Agrito do Genio.....	Naga, Camarines Sur.....	93	0.0930	0.09	227.72
30	do.....	do.....	94	4.3400	4.34	227.81
31	Joaquin Cuevas.....	Libmanan, Camarines Sur.....	95	0.5115	0.51	232.15
32	Victoria Alpado.....	Camaligan, Camarines Sur.....	96	0.3565	0.36	232.66

DAM No. 3—MALANSAD RIVER

33	Marciano Cecilio.....	Libmanan, Camarines Sur.....	149	16.9260	16.93	233.02
34	Pacifico Marcelo.....	do.....	150	7.5175	7.52	249.95
35	Felipe Boña.....	do.....	148	5.4250	5.43	257.47

DAMS NOS. 1, 15, AND 16—MALANSAD RIVER AND PAMPLONA MAIN CANAL

36	Eutiquiano Almoneda.....	Naga, Camarines Sur.....	74	25.1255	25.13	262.90
37	Ponciano Alzate.....	Libmanan, Camarines Sur.....	75	1.4260	1.43	288.03
38	Juan Bula.....	do.....	76	9.5445	9.54	289.46
39	Donato Alimasa.....	do.....	77	6.1965	6.20	299.00
40	David Galvan.....	do.....	78	0.7750	0.78	305.20
41	Mamerto Cruz.....	do.....	79	24.9705	24.97	305.98
42	Julio Capucao.....	Naga, Camarines Sur.....	80	3.4395	3.44	330.55
43	Beata Prado.....	do.....	81	0.2170	0.22	334.39
44	do.....	Camaligan, Camarines Sur.....	82	0.2015	0.20	334.61

DAMS NOS. 1 AND 14—MALANSAD RIVER AND PAMPLONA MAIN CANAL

45	Gregorio Oliven.....	Pasacao, Camarines Sur.....	98	26.7685	26.77	334.81
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DAMS NOS. 1 AND 10—MALANSAD RIVER AND PAMPLONA MAIN CANAL

46	Gregorio Oliven.....	Pasacao, Camarines Sur.....	97	14.0430	14.04	361.58
47	do.....	do.....	99	16.8175	16.82	375.62
48	Carlos Festin.....	Libmanan, Camarines Sur.....	100	2.6845	2.68	292.44
49	Demetrio Javier.....	do.....	101	1.4780	1.48	395.12
50	Lorenzo Vasquez.....	do.....	102	4.2935	4.29	396.60

DAM NO. 17—BINOMBONG CREEK

(1) Priority number	(2) Name	(3) Post-office address	(4) Parcel number	(5) Area of present irri- gated lands in hectares	(6) Amount of water entitled in liters per second	(7) Price appor- tion in liters per second
51	Eutiguiano Almoneda.....	Naga, Camarines Sur.....	84	4.4085	4.41	400.89
52	Porfirio Albuero.....	Libmanan, Camarines Sur.....	85	0.4805	0.48	405.30
53	Amando Alimasa.....	do.....	86	0.6820	0.68	405.78
54	Angel Recedillo.....	Pamplona, Camarines Sur.....	87	2.8985	2.90	406.46
55	Rufino Obias.....	San Jose, Camarines Sur.....	88	7.7655	7.67	409.86
56	Isabelo Recedillo.....	Libmanan, Camarines Sur.....	89	1.7050	0.71	417.03
57	Ponciano Alzate.....	do.....	90	1.7360	1.74	418.74
58	Simeon Elgo.....	Pamplona, Camarines Sur.....	91	1.2555	1.26	420.48
59	Romana Vda. de Recedillo.....	Libmanan, Camarines Sur.....	92	1.4105	1.41	421.74

DAM NO. 6—CABURAS CREEK

60	Teodoro Dilanco.....	Libmanan, Camarines Sur.....	113	1.3640	1.36	423.15
61	do.....	do.....	114	0.3410	0.34	424.51

DAM NO. 2—MALANSAD RIVER

62	Perfecto San Buenaventura.....	Libmanan, Camarines Sur.....	104	0.6355	0.64	424.85
63	Consuelo Agapor.....	do.....	105	0.9300	0.93	425.49
64	Gregorio Agapor.....	do.....	106	2.5420	2.54	426.42
65	Juan Madrid.....	Naga, Camarines Sur.....	115	4.6500	4.65	428.96
66	Filemon San Buenaventura.....	Libmanan, Camarines Sur.....	116	3.1465	3.15	433.61
67	Tiburcio Albis.....	do.....	117	7.4710	7.47	436.76
68	Filemon San Buenaventura.....	do.....	118	0.9920	0.99	444.23
69	Perfecto San Buenaventura.....	do.....	119	2.6815	2.68	445.22
70	Simeon Alimasa.....	do.....	120	0.5425	0.54	447.90
71	Sixto Adagui.....	do.....	121	0.3100	0.31	448.44
72	Tomas Escalante.....	do.....	122	0.2325	0.23	448.75
73	Laureana Abellan.....	do.....	123	4.8360	4.84	448.98
74	Doroteo Escalante.....	do.....	124	0.7130	0.71	453.82
75	Tomas Escalante.....	do.....	125	6.3395	6.34	454.53
76	Teofilo Galvan.....	do.....	126	0.8480	0.25	460.87

DAMS NOS. 4 AND 18—MADUNGAY CREEK

77	Ramon Agrito.....	Libmanan, Camarines Sur.....	103	7.5950	7.60	461.12
78	Juan Madrid.....	Naga, Camarines Sur.....	107	0.6510	0.65	468.72
79	Sabino Prado.....	Camaligan, Camarines Sur.....	108	12.1900	12.19	469.37
80	Teodoro Dilanco.....	Libmanan, Camarines Sur.....	109	44.8880	44.89	481.56
81	Laureana Fines.....	do.....	110	1.5190	1.52	526.45
82	Alejandro Fines.....	do.....	111	2.6350	2.64	527.97
83	Teodoro Dilanco.....	do.....	112	2.6040	2.60	530.61

DAM NO. 5—DANAUEN CREEK

84	Atancio Alcomendas.....	Libmanan, Camarines Sur.....	138	1.8755	1.88	533.21
85	Agaton Soliven.....	do.....	139	0.1085	0.11	535.09
86	Filoteo S. Vicente.....	do.....	140	3.0380	3.04	535.20
87	Pascual Francisco.....	Cabusao, Camarines Sur.....	141	0.7130	0.71	538.24
88	Vicente Bulaong.....	Libmanan, Camarines Sur.....	142	5.0065	5.01	538.95
89	Benigno Miradora.....	do.....	143	3.4297	3.43	543.96
90	Victorino Francisco.....	do.....	144	1.3640	1.36	547.39
91	Juan Madrid.....	Naga, Camarines Sur.....	145	5.7040	5.70	548.75
92	Jose Luzentales.....	Cabusao, Camarines Sur.....	146	14.5080	14.51	554.45
93	Juan Madrid.....	Naga, Camarines Sur.....	147	0.9765	0.98	568.96

NOTE.—All the parcels of land irrigated by dam No. 5 shall be given water from July 20 up to December 15 of each year particularly for the irrigation of their seedbeds to which Mr. Teodoro Dilanco, Mr. Gregorio Olivan and others agreed, subject however, to the same priority rights of lots appearing under dam No. 5.

PAMPLONA RIVER

LOTS IRRIGATED DURING THE RAINY SEASON—FROM JUNE TO NOVEMBER

DAM NO. 1—SAN ISIDRO DAM, CAWAYANAN CREEK

1	Pastor Flora.....	Pamplona, Camarines Sur.....	1	2.2785	2.28	0.00
2	Juan Madrid.....	Naga, Camarines Sur.....	2	48.8465	48.85	2.28
3	Narciso Candelaria.....	Pamplona, Camarines Sur.....	3	2.2165	2.22	15.13
4	Jose San Juan.....	do.....	4	0.3100	0.31	53.35

(1) Priority num- ber	(2) Name	(3) Post-office address	(4) Parcel number	(5) Area of present irri- gated lands in hectares	(6) Amount of water entitled in liters per second	(7) Prior appro- priation in liters per second
5	Doroteo Palomero	do	5	0.4495	0.45	53.66
6	Catalino San Juan	do	6	0.4805	0.48	54.11
7	Gregorio Paulo	do	7	0.6510	0.65	54.59
8	Porfirio Imperial	do	8	1.3020	1.30	55.24
9	Juan Madrid	Naga, Camarines Sur	9	1.5500	1.55	56.54
10	Antonio Posis	Pamplona, Camarines Sur	10	1.3175	1.32	58.09
11	Pedro Baltazar	do	11	0.6045	0.60	59.41
12	Hilarion Romero	do	12	0.3565	0.36	60.01
13	Victorio Mojico	do	13	0.9765	0.98	60.37
14	Antonio San Juan	do	14	0.4495	0.45	61.35
15	Ciriaco Englis	San Fernando, Camarines Sur	16	1.3950	1.40	61.80
16	Glorioso Fabi	do	17	2.8675	2.87	63.20
17	Leoncina Fabi	do	18	2.7435	2.74	66.07
18	Cornelio Lagasca	do	19	3.2705	3.27	68.81
19	Fausto Cordial	Pamplona, Camarines Sur	20	0.4340	0.43	72.08
20	Eleuteria Candelaria	do	21	1.6585	1.66	72.51
21	Segundina Olafio	Naga, Camarines Sur	22	4.2470	4.25	74.17
22	Antonio Altamirano	Pili, Camarines Sur	23	1.1315	1.13	78.42
23	Pedro Romero	San Fernando, Camarines Sur	24	1.6740	1.67	79.55
24	Feliciano Puentellano	do	25	1.4280	1.43	81.22
25	Juan Madrid	Naga, Camarines Sur	26	0.6200	0.62	82.65
26	Estanislao Posis	Pamplona, Camarines Sur	27	0.9765	0.98	93.27
27	Maria Aycardo	do	28	2.2165	2.22	84.25
28	Juanaria Incinas	do	29	1.2090	1.21	86.47
29	Paulino Bautista	Marilao, Bulacan	30	8.1375	8.14	87.68
30	Maria Sabardo	Pamplona, Camarines Sur	31	4.1850	4.19	95.82
31	Jose Flordeliza	do	32	11.9817	11.98	100.01

DAM NO. 2—DIMARUMBA'S DAM, CAWAYANAN CREEK

32	Ambrocio Dimarumba	Pamplona, Camarines Sur	15	29.1570	29.16	111.99
33	Dalmacio Trinidad	do	39	1.7050	1.71	141.15
34	Alejandro Francisco	do	35	0.1085	0.11	142.86
35	Maximo Orde	do	41	0.2480	0.25	142.97
36	Juan Orde	do	45	0.2945	0.29	143.32
37	Pedro Marcaya	do	34	1.7050	1.71	143.51
38	Bienvenida Luna	do	37	1.7360	1.74	145.22
39	Eugenio Flores	do	38	0.6200	0.62	146.96
40	Pedro Marcaya	do	44	2.5730	2.57	147.58
41	Gregorio Espiritu	do	49	0.5015	0.51	150.15
42	Remedios Palomares	do	50	20.4460	0.45	150.66
43	Gregorio Espiritu	do	55	0.8060	0.81	171.11
44	Melquides San Juan	do	40	0.8370	0.84	171.92
45	Cornelio de los Santos	do	46	0.1085	0.11	172.76
46	Jose Flordeliza	San Fernando, Camarines Sur	48	0.7285	0.73	172.87
47	Carmen Vda. de Imperial	Pamplona, Camarines Sur	53	10.8500	10.85	173.60
48	Bianota Espiritu % Andres Cafe	do	54	0.4960	0.50	184.45
49	Epifania Cancaida	do	52	8.9125	8.91	184.95
50	Ambrocio Dimarumba	do	33	2.5420	2.54	193.86
51	Victorino Tesoro	do	47	0.0930	0.09	196.40
52	Celestina Antonio	do	42	0.1705	0.17	196.49
53	Jose Flordeliza	San Fernando, Camarines Sur	32-A	5.5601	5.56	196.66
54	do	do	32-B	3.3522	3.35	202.22
55	Epifanio Cancaida	Pamplona, Camarines Sur	36	1.3485	1.35	205.57
56	Pedro Baltazar	do	43	0.4185	0.42	206.92
57	Francisca Timola	Naga, Camarines Sur	51	5.0840	5.08	207.34

LOTS IRRIGATED DURING THE DRY SEASON—FROM
JANUARY TO APRIL

DAM NO. 2—DIMARUMBA'S DAM CAWAYANAN CREEK

1	Ambrocio Dimarumba	Pamplona, Camarines Sur	15	29.1570	29.16	0.00
2	do	do	33	2.5420	2.54	29.16

The order of priority right of each parcel in any specific system in this list may be made subject to the "rotation method" of use of water whenever agreed upon by those concerned and so provided in the rules and regulations of the irrigator's asso-

ciation which shall be organized in accordance with the provisions of Section 12 of Act No. 2152.

SERGIO BAYAN

Undersecretary of Public Works
and Communications

[3-6]

BUREAU OF LANDS

SALES OF PUBLIC LANDS

[Under Chapter V, Commonwealth Act No. 141, as amended]

Notice is hereby given that the Bureau of Lands at Dumaguete, Negros Oriental, will sell to the highest bidder at 10 o'clock a. m. on August 29, 1941, the tract of land covered by sales application No. 16648 of Emiliano Arnaz.

Location: P. Zamora, Zamora, Bais, Negros Oriental.

Boundaries: N., G. Villanueva and lot 292; E., lot No. 297; S., E. Olores, J. Rubio et al.; W., public land.

Area 113.8000 hectares.

Appraised value per hectare: ₱10.

Value of improvements: ₱193 (barbed wire fence, houses, and fruit trees).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱80 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Dumaguete, Negros Oriental, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 16648." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, or with the provincial land officer at Dumaguete, Negros Oriental, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands, division, Manila, or the provincial land officer at Dumaguete, Negros Oriental.

JOSE P. DANS,
Director of Lands

[77; 1-5]

Notice is hereby given that the Bureau of Lands at Cabanatuan, Nueva Ecija, will sell to the highest bidder at 10 o'clock a. m. on September 5, 1941, the tract of land covered by sales application No. 18658 of Narciso de Vera.

Location: Piñahan, Cabanatuan, Nueva Ecija.

Boundaries: N., Florentino Garcia and Anastacio Evangelista; E., Filemon Cuisen; S., public land; W., Jose Ramos. (Portion of lot No. 2745, Cabanatuan cadastre.)

Area: 16 hectares.

Appraised value per hectare: ₱20.

Value of improvements: ₱1,200 (house, well, and clearings).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cabanatuan, Nueva Ecija, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 18658." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cabanatuan, Nueva Ecija, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cabanatuan, Nueva Ecija.

JOSE P. DANS
Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at Cagayan, Misamis Oriental, will sell to the highest bidder at 10 o'clock a. m. on September 8, 1941, the tract of land covered by sales application No. 21676 of Emiliano A. Valdez.

Location: Mailag, Malaybalay, Bukidnon.

Description: Lots Nos. 40 and 100, Simaya-Nabato cadastre No. 158, Bukidnon.

Area: 32.6906 hectares.

Appraised value per hectare: ₱15.

All bids must be sealed and submitted to the Bureau of Lands at Cagayan, Misamis Oriental, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 21676." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cagayan, Misamis Oriental,

tal, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cagayan, Misamis Oriental.

JOSE P. DANS

Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on September 8, 1941, the tract of land covered by the sales application No. 22884 of Alexander Robert Corbert.

Location: Malasita, Kidapawan, Cotabato.

Description: Lot No. 71, P's-60, North Extension, Kidapawan, Cotabato.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

Area: 50 hectares.

Appraised value per hectare: ₱10.

Value of improvements: ₱30 (hut and clearings).

All bids must be sealed and submitted to the Bureau of Lands at Manila on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22884." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS

Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will sell to the highest bidder at 10 o'clock a. m. on September 13, 1941, the tract of land covered by sales application No. 14350 of Manuel C. Tad-y.

Location: Mabini, Cadiz, Negros Occidental.

Boundaries: N., F. Laureano and F. A. Mesa; E., Agsalay Creek; S., F. Tad-y; W., Habinay River.

Area: 70 hectares (surveyed).

Appraised value per hectare: ₱30.

Value of improvements: ₱200 (clearings).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Bacolod on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 14350." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS

Director of Lands

[2-7]

Notice is hereby given that the Bureau of Lands at Tarlac, Tarlac, will sell to the highest bidder at 10 o'clock a. m. on September 12, 1941, the tract of land covered by Insular Government property sales application No. 2076 of Ignacio G. Sahagun.

Location: Matayumtayum, La Paz, Tarlac.

Description: Lot No. 2117, La Paz cadastre No. 92, Tarlac.

Area: 11.2566 hectares.

Appraised value: ₱1,575 for the whole tract.

The successful bidder, if other than the applicant, must reimburse the latter the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Tarlac, Tarlac, on or before the hour and date stated above and plainly marked: "Bid for the land described in Insular Government property sales application No. 2076." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the

provincial land officer at Tarlac, Tarlac, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the provincial land officer at Tarlac, Tarlac.

JOSE P. DANS
Director of Lands

[2-7]

Notice is hereby given that the Bureau of Lands at Cotabato, Cotabato, will sell to the highest bidder at 10 o'clock a. m. on September 30, 1941, the tract of land covered by sales application No. 22596 of Nicolas Denora.

Location: Lambayong, Dulauan, Cotabato.

Description: Lot No. 4728, Pls-72, case 1, block No. 3, Dulauan, Cotabato.

Area: 49.7564 hectares.

Appraised value per hectare: ₱12.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cotabato, Cotabato, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22596." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on September 25, 1941, the tract of land covered by sales application No. 22875 of Enrique del Castillo.

Location: Saguing, Kidapawan, Cotabato.

Description: Lot No. 193, Pls-59, Kidapawan, Cotabato.

Area: 50 hectares.

Appraised value per hectare: ₱10.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Manila on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22875." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at Cotabato, Cotabato, will sell to the highest bidder at 10 o'clock a. m. on September 29, 1941, the tract of land covered by sales application No. 22904 of Consuelo Segovia de Mirasol.

Location: M'lang District of Liguasan, Cotabato.

Description: Lot No. 788, Pls-59, South Extension, District of Liguasan, Cotabato.

Area: 50 hectares.

Appraised value per hectare: ₱10.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cotabato, Cotabato, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22904." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Zamboanga will sell to the highest bidder at 10 o'clock a. m. on September 26, 1941, the tract of land covered by sales application No. 14172 of Julian C. Tamayo.

Location: Candilis, Lamitan, City of Zamboanga.

Boundaries: NE., C. Dominguez; SE., I. Tamayo; SW., Timblani; SW., Tamon Tamayo.

Area: 66 hectares (not surveyed).

Appraised value per hectare: ₱15.

Value of improvements: ₱2,000 (houses, coconuts, fruit trees and barbed wire fence).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Zamboanga on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 14172." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Zamboanga on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Zamboanga.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will sell to the highest bidder at 10 o'clock a. m. on September 27, 1941, the tract of land covered by sales application No. 14067 of Andres Anlap.

Location: Buenavista, Murcia, Negros Occidental.

Description: Lots Nos. 900 and 929, Murcia cadastre, Negros Occidental.

Area: 81.5413 hectares.

Appraised value per hectare: ₱20.

Value of improvements: ₱800 (house, coconuts, and fruit trees).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱80 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Bacolod on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 14067." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS
Director of Lands

[4-9]

SALES OF PROPERTY OF THE COMMON-WEALTH OF THE PHILIPPINES

(Under Act No. 3038)

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on August 29, 1941, the tract of land described herein below. Bids for the land may be submitted either orally or in writing. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock of the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined:

Location of land: Barbosa Street, Quiapo, Manila.

Description: Lot No. 2-B, Psd-17237, Manila.

Area: 120.9 square meters.

Appraised value per square meter: ₱40.

Value of improvements: None.

The successful bidder must reimburse Teodoro Benedicto the sum of ₱70 to defray the publication expenses.

A bidder who submits a written bid must be present or be duly represented at the auction in order that he may raise his bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit of at least 10 per cent of the appraised value of the land. The successful bidder must deposit, at the time of the auction, 10 per cent of the price offered by him.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, or with the district land officer at Manila, on or before the hour and date of the auction, shall forever be barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or to the district land officer at Manila.

JOSE P. DANS
Director of Lands

[77; 1-5]

(Under Chapter IX, Commonwealth Act No. 141, as amended)

Notice is hereby given that the Bureau of Lands at the City of Zamboanga, will sell to the highest bidder at 10 o'clock a. m. on September 27, 1941, the tract of land described herein below. Bids for the land may be submitted either orally or in writing. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock of the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined:

Location of land: Poblacion, Katipunan, Zamboanga.

Description: Lot No. 125, Katipunan cadastre, Zamboanga.

Area: 485 square meters.

Appraised value per square meter: ₱0.60.

Value of improvements: ₱50 (barbed wire fence and fruit trees).

Applied for by Leonarda Cabahog Vda. de Genobatan, MSA-9088.

The successful bidder if other than the applicant, must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

A bidder who submits a written bid must be present or be duly represented at the auction in order that he may raise his bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

In order that a person may be entitled to participate in the bidding, he must, before the commence-

ment of the same, make a deposit of at least 10 per cent of the appraised value of the land. The successful bidder must deposit, at the time of the auction, 10 per cent of the price offered by him.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Zamboanga, on or before the hour and date of the auction, shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or to the district land officer at the City of Zamboanga.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will accept bids, either oral or in writing, on August 29, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, of the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: Malusay, Himamaylan, Negros Occidental.

Boundaries: N., Himamaylan River; E., Himamaylan River & S. Gatuslao; S., Serafin Gatuslao; W., Himamaylan River and Sea.

Area: 1 hectare (not surveyed).

Appraised value per square meter: ₱1.

Value of existing improvements: ₱300 (wooden wharf).

Value of proposed improvements: ₱3,000 (wharf and lumber shed).

Applied for by Serafin Gatuslao, FLA-2368.

The successful bidder, if other than the applicant, must reimburse the latter of the value of the existing improvements and the sum of ₱70 for publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of the land plus 1 per cent of the value of the existing and proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The successful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at

least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit equivalent to at least three month's rental.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod, on or before the hour and date of the auction, shall forever be barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS

Director of Lands

[77; 1-5]

Notice is hereby given that the Bureau of Lands at Catbalogan, Samar, will accept bids, either oral or in writing, on September 5, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, of the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: Cilanga, Catbalogan, Samar.

Boundaries: N., Paciano Curiano; E., Samar Sea; S., Paciano Curiano; W., Modesto Ginayhinay.

Area: 315 square meters (survey).

Appraise value per square meter: ₱1.50.

Value of existing improvements: ₱80 (*camarín*).

Value of proposed improvements: ₱550 (warehouse).

Applied for by Modesto Ginayhinay, FLA-888.

The successful bidder, if other than the applicant, must reimburse the latter of the value of the existing improvements and the sum of ₱70 to defray the publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of the land plus 1 per cent of the value of the existing and proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The suc-

cessful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit equivalent to at least three months' rental.

The right is reserve to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the provincial land officer at Catbalogan, Samar, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the provincial land officer at Catbalogan, Samar.

For and in the absence of the Director of Lands:

ZOILO CASTRILLO

Administrative Officer

[1-6]

Notice is hereby given that the Bureau of Lands at the City of Davao will accept bids, either oral or in writing, on October 1, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: City of Davao.

Boundaries: N., Magallanes Street; SE., proposed boulevard; S., proposed street; W. and NW., lots Nos. 72 and 204.

Area: 1.2394 hectares.

Appraised value per square meter: ₱0.50.

Value of proposed improvements: ₱10,000 (warehouse).

Applied for by Vicente Guinao, MLA-2139.

The successful bidder, if other than the applicant, must reimburse the latter the amount of ₱70 for publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of

the land plus 1 per cent of the value of the proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The successful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit equivalent to at least three month's rental.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Land, Manila, or with the district land officer at the City of Davao on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the district land officer at the City of Davao.

JOSE P. DANS
Director of Lands

[4-9]

BUREAU OF MINES (SECOND PUBLICATION)

NOTICE OF APPLICATION OF THE COMPAÑIA MINERA DE FILIPINAS, INC., FOR THE LEASE OF ONE MINING CLAIM.

Notice is hereby given that, in pursuance of the provisions of section 72 of Commonwealth Act No. 137, the Compañia Minera de Filipinas, Inc., a corporation duly organized and existing under the laws of the Philippines, and whose post-office address is P. O. Box 2311, Manila, Philippines, has filed an application for the lease of one lode mining claim described as follows:

Name of claim: "Darab."

Date registered in the office of the mining recorder of Palawan: October 12, 1940.

Location: Barrio of Culion, municipality of Coron, Province of Palawan, Island of Darab, Philippines.

Boundaries: Northeast, Coron Bay; southeast public land; southwest and northwest, Coron Bay.

Area: 2.7586 hectares.

The claim herein applied for is more fully described as to metes and bounds by the official survey plan No. Lla-884, a copy of which is posted

in a conspicuous place within the boundaries of the claim; technical descriptions and final notes of survey thereof are now filed in the Bureau of Mines, Manila, Philippines.

Any and all persons claiming adversely the mining claim, ground, vein, lode, premises, or any portion thereof, so described, surveyed, platted, and applied for, are hereby notified that unless their adverse claims are duly filed with the Director of Mines in the City of Manila, Philippines, during the period of three consecutive weeks, to be reckoned immediately after the first publication (July 26, 1941) according to the law and regulations promulgated thereunder, such adverse claims shall be forever barred by virtue of the provisions of the Mining Act. Adverse claims should be filed in this Office in duplicate, and under oath, stating in full detail the nature, boundaries, and extent thereof and accompanied by all plans, documents, and agreements upon which such adverse claims are based. A copy of such adverse claims should be furnished the lease applicant by registered mail.

For further particulars regarding the mineral claim and conditions of the lease, apply to the Director of Mines, Manila.

Manila, Philippines, July 1, 1941.
QUIRICO A. ABADILLA
Director of Mines

[4-6]

(FIRST PUBLICATION)

NOTICE OF APPLICATION OF PAZ BOADA FOR THE LEASE OF ONE MINING CLAIM

Notice is hereby given that, in pursuance of the provisions of section 72 of Commonwealth Act No. 137, Paz Boada, a Filipino citizen, of legal age, and whose post-office address is Masbate, Masbate, Philippines, has filed an application for the lease of one lode mining claim described as follows:

Name of claim: "Manga."

Date registered in the office of the mining recorder of Masbate: July 29, 1937.

Location: Sitio of Sangig, barrio of Mandaon, municipality of Milagros, Province of Masbate, Island of Masbate, Philippines.

Boundaries: North, "San Jose" mineral claim (unsurveyed) of Patrocinio Bayot; east, "Santol" mineral claim (unsurveyed) of Paz Boada; south, "Rosa" mineral claim (unsurveyed) of Paz M. Bayot; and west, Pasture land of Patrocinio Bayot, et al.

Area: 9.0000 hectares.

The claim herein applied for is more fully described as to metes and bounds by the official survey plan No. Lla-432, a copy of which is posted in a conspicuous place within the boundaries of

the claim, technical description and final notes of survey thereof are now filed in the Bureau of Mines, Manila, Philippines.

Any and all persons claiming adversely the mining claim, ground, vein, lode, premises, or any portion thereof, so described, surveyed, platted, and applied for, are hereby notified that unless their adverse claims are duly filed with the Director of Mines in the City of Manila, Philippines, during the period of three consecutive weeks, to be reckoned immediately after the first publication (August 2, 1941), according to the law and regulations promulgated thereunder, such adverse claims shall be forever barred by virtue of the provisions of the Mining Act. Adverse claims should be filed in this Office in duplicate, and under oath, stating in full detail the nature, boundaries, and extent thereof and accompanied by all plans, documents, and agreements upon which such claims are based. A copy of such adverse claims should be furnished the lease applicant by registered mail.

For further particulars regarding the mineral claim and conditions of the lease, apply to the Director of Mines, Manila.

Manila, Philippines, July 12, 1941.

QUIRICO A. ABADILLA

(5-7)

Director of Mines

(FIRST PUBLICATION)

NOTICE OF APPLICATION OF THE "ANTIPOLO MINING COMPANY" FOR THE LEASE OF TWELVE MINING CLAIMS.

Notice is hereby given that, in pursuance of the provisions of section 72 of Commonwealth Act No. 137, the Antipolo Mining Company, a corporation duly organized and existing under the laws of the Philippines, and whose post-office address is 403 Soriano Building, Manila, Philippines, has filed an application for the lease of twelve lode mining claims described as follows:

Name of claims	Date registered in the office of the mining recorder of Batangas
"STA. ROSA" (Lla-885-D).....	June 8, 1938
"CANOME" (Lla-886-D).....	May 21, 1938
"LUZON" (Lla-887-D).....	May 19, 1938
"SAN LUCAS" (Lla-888-D).....	May 21, 1938
"STO. NIÑO" (Lla-889-D).....	May 21, 1938
"STA. CRUZ" (Lla-890-D).....	May 28, 1938
"ALFONSO" (Lla-891-D).....	June 8, 1938
"STEVE" (Lla-892-D).....	June 8, 1938
"SAN LUCAS" (Lla-893-D).....	June 8, 1938
"ANASTACIO" (Lla-894-D).....	June 8, 1938
"SAN ELIAS" (Lla-895-D).....	June 8, 1938
"SANTA VIA" (Lla-896-D).....	June 8, 1938

Situated in the sitio of Baliskar, barrio of Ma-taas-na-lupa, municipality of Taysan, Province of Batangas, Island of Luzon.

Boundaries: North, "Felicidad" (Ll-15077-D) of T. San Miguel and "San Antonio" (Ll-15078-D) of Macario de Chavez mineral claims; east, lands claimed by Juan Cancio, Emilio Lontok, Pantaleon Perez, Pio Perez, and Mariano Ramos, and "Santa Barbara" and "San Tita" mineral claims (both unsurveyed); south, "Mayo" (Ll-15168-D) of Remedios Moreno, "Abril" (Ll-15167-D) of T. San Miguel, and "Marzo" (Ll-15166-D) of Victor Maramba mineral claims; and west, a creek, "Tita" (Ll-15115-D) of Remedios Moreno, "San José" (Lla-682-D), "Banoy" (Lla-680-D), and "Sunrise" (Lla-681-D) all of the Antipolo Mining Company mineral claims.

Technical description: Beginning at a point marked "1" on plan Lla-894-D, being S. 5° 33' E., 4,599.00 meters, more or less, from B. L. B. M. No. 1, municipality of Taysan, Province of Batangas, thence N. 9° 40' E., 79.94 meters to point "1^a/Lla-894-D"; thence N. 37° 35' W., 65.42 meters to point "1^b/Lla-894-D"; thence N. 23° 26' W., 63.64 meters to point "1^c/Lla-894-D"; thence N. 26° 08' E., 20.42 meters to point "1^d/Lla-894-D"; thence N. 51° 30' E., 26.26 meters to point "1^e/Lla-894-D"; thence N. 10° 26' E., 77.56 meters to point "2/Lla-894-D"; thence N. 5° 43' W., 50.25 meters to point "1^a/Lla-891-D"; thence N. 19° 48' W., 162.19 meters to point "1^b/Lla-891-D"; thence N. 43° 52' W., 71.13 meters to point "1^c/Lla-891-D"; thence due North, 46.12 meters to point "2/Lla-891-D"; thence due East, 300.00 meters to point "3/Lla-891-D"; thence due North, 300.00 meters to point "2/Lla-889-D"; thence due North, 300.00 meters to point "2/Lla-887-D"; thence due North, 300.00 meters to point "2/Lla-885-D"; thence due East, 300.00 meters to point "3/Lla-885-D"; thence due East, 300.00 meters to point "3/Lla-886-D"; thence due South, 300.00 meters to point "4/Lla-886-D"; thence due South, 300.00 meters to point "4/Lla-888-D"; thence due South, 300.00 meters to point "4/Lla-890-D"; thence due South, 300.00 meters to point "4/Lla-893-D"; thence due South, 300.00 meters to point "4/Lla-896-D"; thence due West, 300.00 meters to point "1/Lla-896-D"; thence due West, 300.00 meters to point "1/Lla-895-D"; thence due West, 182.54 meters to point "1/Lla-894-D"; which is the point of beginning.

Aggregate area: 103.1099 hectares.

The claims herein applied for are more fully described as to metes and bounds by the official survey plans numbers indicated above, a copy of each of which is posted in a conspicuous place within the boundaries of the claims, technical descriptions

and final notes of survey thereof are now filed in the Bureau of Mines, Manila, Philippines.

Any and all persons claiming adversely the mining claims, grounds, veins, lodes, premises, or any portion thereof, so described, surveyed, platted, and applied for, are hereby notified that unless their adverse claims are duly filed with the Director of Mines in the City of Manila, Philippines, during the period of three consecutive weeks, to be reckoned immediately after the first publication (August 2, 1941), according to the law and regulations promulgated thereunder, such adverse claims shall be forever barred by virtue of the provisions of the Mining Act. Adverse claims should be filed in this Office in duplicate, and under oath, stating in full detail the nature, boundaries, and extent thereof and accompanied by all plans, documents, and agreements upon which such claims are based. A copy of such adverse claims should be furnished the lease applicant by registered mail.

For further particulars regarding the mineral claims and conditions of the lease, apply to the Director of Mines, Manila.

Manila, Philippines, July 25, 1941.

QUIRICO A. ABADILLA

Director of Mines

[5-7]

BUREAU OF PUBLIC WORKS

Office of the Director of Public Works

NOTICES OF APPLICATION FOR WATER RIGHTS

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Andres Muntuya et al., giving address as Mansalay, Mindoro, for the appropriation of the public waters of Uyao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on April 17, 1941, and that the source from which the appropriation is to be made is in the Uyao Creek, in Mansalay, Mindoro.

(c) That the proposed site of diversion is located on the Uyao Creek, in the sitio of Uyao, barrio of Paclasan, municipality of Mansalay, Province of Mindoro, N. 35° 00' W., 4,560 meters from B. L. M. No. 2, Paclasan, Mansalay, Mindoro, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by

53200-14

the proposed works, per second of time, is 96 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, bamboos, and branches of trees, 2.50 meters high, 3 meters wide at the top, 4.50 meters wide at the bottom, 12.50 meters long at the top, and 10.50 meters long at the bottom, and a canal 400 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Uyao, barrio of Paclasan, municipality of Mansalay, Province of Mindoro, containing an area of 32 hectares and its boundaries are: North, Uyao Creek; east, Uyao Creek and others; south, Eulogio Marzoña and others; west, Uyao Creek and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Apolonio Pascual, giving address as San Jose, Nueva Ecija, for the appropriation of the public waters of Putot Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on December 27, 1940, and refiled in acceptable form on April 16, 1941, and that the source from which the appropriation is to be made is in the Putot Creek, in San Jose, Nueva Ecija.

(c) That the proposed site of diversion is located on the Putot Creek, in the sitio of Antipolo, barrio of Palestina, municipality of San Jose, Province of Nueva Ecija, 785 meters N. E. from B. L. M. No. 21, San Jose, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 67.5 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, gravel, sand and

branches of trees, 7 meters high, 5 meters wide at the top, 10 meters wide at the bottom, 22 meters long at the top, and 10 meters long at the bottom, and a canal 1,650 meters long and 0.50 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Antipolo, barrio of Palestina, municipality of San Jose, Province of Nueva Ecija, containing an area of 22.6217 hectares and its boundaries are: North, Putot Creek and others; east, Creek and others; south, Bati Creek and others; west, Antipolo Creek and others.

(h) That the water requested will be used from June to January of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Emiliano C. Adorna sr., giving address as Tinambac, Camarines Sur, for the appropriation of the public waters of Lupi River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 24, 1941, and refiled in acceptable form on April 24, 1941, and that the source from which the appropriation is to be made is in the Lupi River, in Tinambac, Camarines Sur.

(c) That the proposed site of diversion is located on the Lupi River, in the sitio of Lupi, barrio of Lupi, municipality of Tinambac, Province of Camarines Sur, 1,050 meters S. E. from B. L. B. M. No. 10, Tinambac, Camarines Sur, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 85 liters.

(e) That the applicant will not construct a new dam, but will utilize his existing irrigation system.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Lupi, barrio of Lupi, municipality of Tinambac, Province of Camarines Sur, containing an area of 57 hectares and its boundaries are: North, Carlos Diaz and Rosendo Gonzaga; east, Ch. Ong-Taya, Ambrosio Prito and others; south, Ch. Ong-Taya; east, Roy-roy Requeño River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Emilio Ma. Naval, giving address as Balanga, Bataan, for the appropriation of the public waters of Talisay River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 12, 1941, and that the source from which the appropriation is to be made is in the Talisay River, in Pilar, Bataan.

(c) That the proposed site of diversion is located on the Talisay River, in the municipality of Pilar, Province of Bataan, N. 81° 00' E., 820 meters from M. B. M. No. 9, Pilar Cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 76 liters.

(e) That the proposed works are to consist of a temporary dam made of stones and earth, 1.20 meters high, 1.40 meters wide at the top, 3.50 meters wide at the bottom, 10 meters long at the top, and 7 meters long at the bottom.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Nagwagui, municipality of Pilar, Province of Bataan, containing an area of 35 hectares and its boundaries are: North, Talisay River; east, Toribio David and Mariano B. Banzon; south, Canal, Mariano T. Banzon and Martina David; west, Canal, Eustaquio Banzon and Angela Montenegro.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Filemon Tanchoco, giving address as 315 Alvarez, Manila, for the appropriation of the public waters of Subaan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on March 11, 1941, and refiled in acceptable form on April 19, 1941, and that the source from which the appropriation is to be made is in the Subaan Creek, in San Antonio. Nueva Ecija.

(c) That the proposed site of diversion is located on the Subaan Creek, in the sitio of Subaan, barrio of San Jose, municipality of San Antonio, Province of Nueva Ecija, N. 17° 21' E., 861.10 meters from B. L. L. M. No. 26, San Antonio, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 90 liters.

(e) That the proposed works are to consist of a pump and canal dam made of 1,731 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Subaan, barrio of San Jose, municipality of San Antonio, Province of Nueva Ecija, containing an area of 60 hectares and its boundaries are: North, Subaan Creek; east, Crispin Mendiola, Alberto Cunanan and others; south, Pedro Cunanan, Chico River and others; west, Eustaquio Ortiz.

(h) That the water requested will be used from May to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that

a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Gervacio Castro, giving address as Calauan, Laguna, for the appropriation of the public waters of Malanday River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 31, 1941, and refiled in acceptable form on May 2, 1941, and that the source from which the appropriation is to be made is in the Malanday River, in Calauan, Laguna.

(c) That the proposed site of diversion is located on the Malanday River, in the sitio of Malanday, barrio of Mabacan, municipality of Calauan, Province of Laguna, S. 2° 45' W., 2,000 meters from Masaya Station, barrio Masaya, Bay, Laguna, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 45 liters.

(e) That the proposed works are to consist of a temporary dam made of bamboo and earth, 1.75 meters high, 1 meter wide at the top, 1 meter wide at the bottom, 5 meters long at the top, and 5 meters long at the bottom, and a canal 280 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Malanday, barrio of Mabacan, municipality of Calauan, Province of Laguna, containing an area of 15 hectares and its boundaries are: North, Paputoc Creek; east, Trinidad Cabatingan; south, Juan Banaag and Damaso Cueva; west, Malanday River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official

Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Lino Bagtas, giving address as Antipolo, Rizal, for the appropriation of the public waters of Mayamig Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 9, 1941, and that the source from which the appropriation is to be made is in the Mayamig Creek, in Cabanatuan, Nueva Ecija.

(c) That the proposed site of diversion is located on the Mayamig Creek, in the barrio of Cabu, municipality of Cabanatuan, Province of Nueva Ecija, 10 meters SE. from corner No. 19 of H-93600, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 6 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, 2 meters high, 1.50 meters wide at the top, 1.50 meters wide at the bottom, 6 meters long at the top, and 6 meters long at the bottom, and a canal 100 meters long and 1.50 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Cabu, municipality of Cabanatuan, Province of Nueva Ecija, containing an area of 3 hectares and its boundaries are: North and east, Mayamig Creek; south, Donato Ramos, and Luis Cabanatan; west, Ciriaca Uminga and Segundo Gabriel.

(h) That the water requested will be used from June to October of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Luis Hipol, giving address as Lupao, Nueva Ecija, for the appropriation of the public waters of Manga Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 2, 1941, and refiled in acceptable form on April 14, 1941, and that the source from which the appropriation is to be made is in the Manga Creek, in Lupao, Nueva Ecija.

(c) That the proposed site of diversion is located on the Manga Creek, in the sitio of Cantao, barrio of San Isidro, municipality of Lupao, Province of Nueva Ecija, 300 meters SE. from B. L. B. M. No. 13, San Isidro, Lupao, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 15 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, gravel and earth, 2 meters high, 4 meters wide at the top, 5 meters wide at the bottom, 7 meters long at the top, and 7 meters long at the bottom, and a canal 265 meters long and 2 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Cantao, barrio of San Isidro, municipality of Lupao, Province of Nueva Ecija, containing an area of 6.5552 hectares and its boundaries are: North, Macanlaos Creek; east, Manga Creek; south, Luis Hipol; west, Paulino Tirante.

(h) That the water requested will be used from June to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and

Communications, through the Director of Public Works, by Marcelo Gallardo et al., giving address as Naujan, Mindoro, for the appropriation of the public waters of Borbocolon River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 31, 1941, and that the source from which the appropriation is to be made is in the Borbocolon River, in Naujan, Mindoro.

(c) That the proposed site of diversion is located on the Borbocolon River, in the barrio of Borbocolon, municipality of Naujan, Province of Mindoro, N. 76° 00' W., 1,200 meters from B. L. L. M. No. 256, Borbocolon, Mindoro, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 120 liters.

(e) That the proposed works are to consist of a temporary dam made of earth and wood, 2.50 meters high, 2.00 meters wide at the top, 6.00 meters wide at the bottom, 12.00 meters long at the top, and 12.00 meters long at the bottom, and a canal 2,030 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Borbocolon, municipality of Naujan, Province of Mindoro, containing an area of 60.2952 hectares and its boundaries are: North, municipal road; east, Babangonan River; south, municipal road; west, Felix Meregillano and Fabian Banuelos.

(h) That the water requested will be used from April to November of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Maximino Magat, giving address as Abucay, Bataan, for the appropriation of the public waters of Labaingan River, in accordance with the

provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on October 4, 1939, and that the source from which the appropriation is to be made is in the Labaingan River, in Abucay, Bataan.

(c) That the proposed site of diversion is located on the Labaingan River, in the sitio of Nagbalimbing, barrio of Mabatang, municipality of Abucay, Province of Bataan, S. 58° 00' E., 550 meters from M. B. M. No. 2, Mabatang, Abucay, Bataan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 8 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, gravel and stones, 0.75 meter high, 0.50 meter wide at the top, 1 meter wide at the bottom, 13 meters long at the top, and 12.40 meters long at the bottom, and a canal 2,900 meters long and 0.80 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Kay Ita, barrio of Mabatang, municipality of Abucay, Province of Bataan, containing an area of 4.5279 hectares and its boundaries are: North, Maximino Magat; east, Miguel Tingson; south, Miguel de Leon and others; west, Miguel Tiongson and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE
Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Nicolas Maralit, giving address as Lipa, Batangas, for the appropriation of the public waters of Bayan River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 19, 1941, and that the source from which the appropriation

is to be made is in the Bayan River, in Sta. Maria, Laguna.

(c) That the proposed site of diversion is located on the Bayan River, in the barrio of Bagongbayan, municipality of Sta. Maria, Province of Laguna, 10 meters South from corner No. 23 of lot No. 1 of Psu-54159, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 240 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, stones, and wooden stakes, 1 meter high, 2 meters wide at the top, 4 meters wide at the bottom, 20 meters long at the top, and 25 meters long at the bottom, and a canal 2,000 meters long and 3 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bagongbayan, municipality of Sta. Maria, Province of Laguna, containing an area of 80 hectares and its boundaries are: North, Felix Marquez, Bagongbayan Creek and Nicanor Perez; east, Bayan River and canal; south, Pedro Carpio, Monica Alcantara and others; west, Creek and Arcadio Carandang.

(h) That the water requested will be used from April to February of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Pedro Caballero, giving address as Peña-randa, Nueva Ecija, for the appropriation of the public waters of Marugui-rugui Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on February 25, 1941, and refiled in acceptable form on May 28, 1941, and that the source from which the appropriation is to be made is in the Marugui-rugui Creek, in Sta. Rosa, Nueva Ecija.

(c) That the proposed site of diversion is located on the Marugui-rugui Creek, in the barrio of Liwayway, municipality of Sta. Rosa, Province of Nueva Ecija, S. 37° 30' W., 1,132 meters from B. L. L. M. No. 52, Sta. Rosa, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 14 liters.

(e) That the proposed works are to consist of a temporary dam made of earth and stakes, 3 meters high, 2 meters wide at the top, 8 meters wide at the bottom, 12 meters long at the top, and 10 meters long at the bottom, and a canal 101 meters long and 1 meter made.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Liwayway, municipality of Sta. Rosa, Province of Nueva Ecija, containing an area of 6.8782 hectares and its boundaries are: North, Marugui-rugui Creek and C. Padilla; east, Gregorio Garcia, Conrado Padilla and others; south, Pedro Caballero and Genero Alarilla; west, Genero Alarilla and Marugui-rugui Creek.

(h) That the water requested will be used from May to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Agustin Liboro, giving address as 1119 Rizal Avenue, Manila, for the appropriation of the public waters of Canagnagan and Pusod Creeks, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on May 9, 1941, and that the source from which the appropriation is to be made is in the Canagnagan and Pusod Creeks, in Ragay, Camarines Sur.

(c) That the proposed site of diversion is located on the Canagnagan and Pusod Creeks, in the barrio of Pasculago, municipality of Ragay, Prov-

ince of Camarines Sur, N. 34° 15' E., 1,632 meters from P. L. S. No. 23, and N. 45° 45' E. 1,446 meters from the same point, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 82 liters.

(e) That the proposed works are to consist of two temporary dams made of sand, gravel, stones, and earth, 0.80 meters high, 2 meters wide at the top, 6 meters wide at the bottom, 10 and 8 meters long at the top, and 8 and 6 meters long at the bottom, and a canal 3,500 meters long and 3 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Paculago, municipality of Ragay, Province of Camarines Sur, containing an area of 41 hectares and its boundaries are: North, Ananias Angeles and Agustin Liboro; east, Agustin Liboro and Gregorio Gonzales; south, Agustin Liboro; west, Canagnagan Creek and Agustin Liboro.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Aurelio David, giving address as Mainit, Surigao, for the appropriation of the public waters of Gata River in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on November 7, 1940, and that the source from which the appropriation is to be made is in the Gata River, in Mainit, Surigao.

(c) That the proposed site of diversion is located on the Gata River, in the sitio of Gata, municipality of Mainit, Province of Surigao, 150 meters N.

E. from the Balete tree, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 150 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, gravel and earth, 1 meter high, 1 meter wide at the top, 1.5 meters wide at the bottom, 10 meters long at the top, and 10 meters long at the bottom, and a canal 337 meters long and 0.70 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Mandiyao, municipality of Mainit, Province of Surigao, containing an area of 43 hectares and its boundaries are: North, Eufracia Mungcal and Faustino Libernea; east, Tranquilino Murcilla, Lucila de Mongado and others; south, Mainit-Tagayan Road and others; west, Ceferino Coja and Simson Baptisma.

(h) That the water requested will be used from November to December and from June to September of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Cenon C. Laurena, giving address as Calapan, Mindoro, for the appropriation of the public waters of Laying Creek in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on March 19, 1941, and refiled in acceptable form on June 13, 1941, and that the source from which the appropriation is to be made is in the Laying Creek, in Naujan, Mindoro.

(c) That the proposed site of diversion is located on the Laying Creek, in the sitio of Laying, barrio of Magasawang Tubig, municipality of Naujan, Province of Mindoro, S. 5° 34' E., 636.60

meters from M. B. M. No. 25, Naujan Cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 12 liters.

(e) That the proposed works are to consist of a temporary dam made of earth and branches of trees, 1.50 meters high, 0.50 meter wide at the top, 1.50 meters wide at the bottom, 3 meters long at the top, and 3 meters long at the bottom, and a canal 250 meters long and 0.60 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Laying, barrio of Masawang Tubig, municipality of Naujan, Province of Mindoro, containing an area of 8.7 hectares and its boundaries are: North, Nemecio Hernandez; east, Laying Creek; south, Daniel Lozano; west, Dominador Mendoza.

(h) That the water requested will be used from January to September of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Enrique Estacio, giving address as Rosario, La Union, for the appropriation of the public waters of Saitan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on February 19, 1941, and refiled in acceptable form on June 16, 1941, and that the source from which the appropriation is to be made is in the Saitan Creek, in Rosario, La Union.

(c) That the proposed site of diversion is located on the Saitan Creek, in the barrio of Subusub, municipality of Rosario, Province of La Union, 60 meters east from corner No. 3 of lot No. 593, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 20 liters.

(e) That the applicant will not construct a new dam but will utilize the existing irrigation system from the Saitan Creek known Communal Dam No. 7.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Concepcion, municipality of Rosario, Province of La Union, containing an area of 3.19 hectares and its boundaries are: North, provincial road; east, Isidoro Tabernero; south, old road to Rosario; west, Rosenda Perez.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Enrique Estacio, giving address as Rosario, La Union, for the appropriation of the public waters of Saitan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on February 19, 1941, and refiled in acceptable form on June 16, 1941, and that the source from which the appropriation is to be made is in the Saitan Creek, in Rosario, La Union.

(c) That the proposed site of diversion is located on the Saitan Creek, in the barrio of Subusub, municipality of Rosario, Province of La Union, 60 meters east from corner No. 3 lot No. 593, as shown the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 35 liters.

(e) That the applicant will not construct a new dam, but will utilize the existing irrigation system from the Saitan Creek known Communal Dam No. 7.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Subusob, municipality of Rosario, Province of La Union, containing an area of 8.54 hectares

and its boundaries are: North, Celestino Tabernero et al.; east, Lorenzo Sanchez; south public land; west, Pedro Oropilla and Pedro Bernal.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Estanislao Agapuyan, giving address as Cadiz, Occidental Negros, for the appropriation of the public waters of Nabinay River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on May 23, 1941, and that the source from which the appropriation is to be made is in the Nabinay River, in Cadiz, Occidental Negros.

(c) That the proposed site of diversion is located on the Nabinay River, in the sitio of Nabinay, barrio of Andres Bonifacio, municipality of Cadiz, Province of Occidental Negros, S. 63° 00' W., 862 meters from B. L. L. M. No. 42, Cadiz, Occidental Negros, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 75 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, gravel and earth, 0.50 meter high, 0.50 meter wide at the top, 1 meter wide at the bottom, 10 meters long at the top, and 9 meters long at the bottom, and a canal 280 meters long and 0.70 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Nabinay, barrio of Andres Bonifacio, municipality of Cadiz, Province of Occidental Negros, containing an area of 6 hectares and its boundaries are: North, east, and south, Estanislao Agapuyan; west, Nabinay River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE
Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Felicisimo Suguitan, giving address as Aritao, Nueva Vizcaya, for the appropriation of the public waters of Latawan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on March 21, 1941, and that the source from which the appropriation is to be made is in the Latawan Creek, in Aritao, Nueva Vizcaya.

(c) That the proposed site of diversion is located on the Latawan Creek, in the sitio of Canaram, barrio of Santa Clara, municipality of Aritao, Province of Nueva Vizcaya, 2,500 meters south from B. L. B. M. No. 1, barrio Santa Clara, Aritao, Nueva Vizcaya, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 93 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, and trees, 1.50 meters high, 0.50 meter wide at the top, 1.50 meters wide at the bottom, 8 meters long at the top, and 7 meters long at the bottom, and a canal 1,500 meters long and 0.75 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Santa Clara, barrio of Santa Clara, municipality, of Aritao, Province of Nueva Vizcaya, containing an area of 36 hectares and its boundaries are: North, Eulalio Ocon; east, canal; south, Latawan Creek; west, Apolonio N. Tucay and Calixto Dulay.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object

to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Isidora R. Cruz, giving address as San Miguel, Bulacan, for the appropriation of the public waters of San Miguel River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on September 28, 1940 and that the source from which the appropriation is to be made is in the San Miguel River, in San Miguel, Bulacan.

(c) That the proposed site of diversion is located on the San Miguel River, in the barrio of Labni, municipality of San Miguel, Province of Bulacan, S. 57° 01' W., 90 meters from corner No. 39 of lot No. 699, San Miguel Cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 60 liters.

(e) That the proposed works are to consist of a centrifugal pump and canal 500 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Labni, municipality of San Miguel, Province of Bulacan, containing an area of 40 hectares and its boundaries are: North, San Miguel River; east, road; south and west, lot No. 699.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Laureano F. Reyna et al., giving address as Lupao, Nueva Ecija, for the appropriation of the public waters of Tuboy Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on May 19, 1941, and that the source from which the appropriation is to be made is in the Tuboy Creek, in Lupao, Nueva Ecija.

(c) That the proposed site of diversion is located on the Tuboy Creek, in the municipality of Lupao, Province of Nueva Ecija, N. 82° 00' E., 1,670 meters from B. B. M. No. 15, Lupao Cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 174 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, 1 meter high, 2 meters wide at the top, 7 meters wide at the bottom, 10 meters long at the top, and 8 meters long at the bottom.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the municipality of Lupao, Province of Nueva Ecija, containing an area of 115.6 hectares and its boundaries are: North, Bernardo Lictawa and Antonio Lictawa; east, Tuboy Creek; south, Lorenzo Baldoz and barrio road; west, Bilok Creek.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Mariano Tomas and Epifania Pagadao, giving address as Bambang, Nueva Vizcaya, for the appropriation of the public waters of Aplat

and Lubo Creeks, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on February 28, 1941 and refiled in acceptable form on May 24, 1941, and that the source from which the appropriation is to be made is in the Aplat and Lubo Creeks, in Bambang, Nueva Vizcaya.

(c) That the proposed site of diversion is located on the Aplat and Lubo Creeks, in the sitio of Manawao, barrio of San Fernando, municipality of Bambang, Province of Nueva Vizcaya, on the Aplat Creek is N. 62° 30' E., 1,110 meters from B. F. No. 666, and on the Lubo Creek is N. 75° 45' E., 980 meters from the said monument, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 24 liters.

(e) That the proposed works are to consist of a canal 1,170 meters long and 0.50 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Manawao, barrio of San Fernando, municipality of Bambang, Province of Nueva Vizcaya, containing an area of 8 hectares and its boundaries are: North, public land and Aplat Creek; east, Epifania Pagadao and Tulang Creek; south and west, Lubo Creek.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Nicolasa S. de Guzman and Mercedes Arroyo, giving address as 1427 Washington St., Sampaloc, Manila, for the appropriation of the public waters of Cambangal River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on May 3, 1941, and that the source from which the appropriation

is to be made is in the Cambangal River, in Candaba, Pampanga.

(c) That the proposed site of diversion is located on the Cambangal River, in the barrio of Paligi, municipality of Candaba, Province of Pampanga, S. 10° 30' E., 1,290 meters from corner No. 1 of lot No. 2 Psu-57423, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 259 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, 3 meters high, 2 meters wide at the top, 17 meters wide at the bottom, 15 meters long at the top, and 12 meters long at the bottom, and a canal 1,000 meters long and 1.5 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Paligi, municipality of Candaba, Province of Pampanga, containing an area of 172 hectares and its boundaries are: North, Jose Castro and Diego Reyes y Manio; east, Aniceto Reyes et al.; south, Roman Catholic Church; west, Francisco Hizon, Justo Miranda and Francisca Tablante.

(h) That the water requested will be used from April to May of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Pascasio M. del Castillo, giving address as Talisay, Batangas, for the appropriation of the public waters of Bubuton River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 4, 1941, and that the source from which the appropriation is to be made is in the Bubuton River, in Talisay, Batangas.

(c) That the proposed site of diversion is located on the Bubuton River, in the sitio of Makina, barrio of Birinayan, municipality of Talisay, Province of

Batangas, 14,000 meters west from B. L. L. M. No. 1, Talisay, Batangas, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 90 liters.

(e) That the proposed works are to consist of a temporary dam made of stones and branches of trees, 3 meters high, 1 meter wide at the top, 2 meters wide at the bottom, 8 meters long at the top, and 8 meters long at the bottom, and a canal 2,000 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Makina, barrio of Birinayan, municipality of Talisay, Province of Batangas, containing an area of 34.50 hectares and its boundaries are: North Rosario del Castillo and others; east, Teresa Bucad and others; south, barrio road to Talisay; west, Bubuton River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given:-

(a) That Leonardo Sta. Romana, whose post-office address is Cabanatuan, Nueva Ecija, has filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, a request for permission to change the nature of his spillway from temporary to permanent, on the Buhay Creek in Cabanatuan, Nueva Ecija, in accordance with the provisions of Act No. 2152, as amended.

(b) That the proposed permanent spillway will be made of cement, sand, gravel, and steel bars, 1.49 meters high, 6.60 meters wide at the top, 6.60 meters wide at the bottom, 9.60 meters long at the top and 12.80 meters long at the bottom.

(c) That in view of such request, any person interested may object to the granting of such permission and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days, beginning with the last day of the publica-

tion in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given:-

(a) That Mariano B. Banson, whose post-office address is Balanga, Bataan, Philippines, has filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, a request for permission to transfer the location of his dam No. 9 on the Talisay River, in accordance with the provisions of Act No. 2152, as amended.

(b) That the location of temporary dam No. 9 is on the Talisay River in the municipalities of Pilar and Balanga, Province of Bataan, 350 meters upstream from the old dam No. 9 or S. 72° 30' W., 1,240 meters from M. B. M. No. 10, Balaña Cadastre as shown on the sketch filed with the request.

(c) That the proposed temporary dam No. 9 will be made of earth and stones, 1.25 meters high, 0.60 meter wide at the top, 2.50 meters wide at the bottom, 60 meters long at the top, and 60 meters long at the bottom.

(d) That in view of such request, any person interested may object to the granting of such permission and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days, beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given:-

(a) That Melecio Pangilinan, whose post-office address is Umingan, Pangasinan, Philippines, has filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, a request for permission to reconstruct his dam on the Catarataran Creek in Umingan, Pangasinan, in accordance with the provisions of Act No. 2152, as amended.

(b) That the proposed temporary dam will be made of wood and earth, 4.50 meters high, 3 meters wide at the top, 7 meters wide at the bottom, 30 meters long at the top, and 5 meters long at the bottom.

(c) That in view of such request, any person interested may object to the granting of such permission and that a written protests, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days, beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given:-

(a) That Mercedes Arroyo, whose post-office address is 1427, Washington, Manila, Philippines, has filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, a request for permission to change the nature of her dam, from permanent to temporary, on the Cambanga River in Candaba, Pampanga, in accordance with the provisions of Act No. 2152, as amended.

(b) That in view of such request, any person interested may object to the granting of such permission and that a written protests, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days, beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given:-

(a) That Potenciano P. Bernabe, whose post-office address is Talavera, Nueva Ecija, Philippines, has filed with the Honorable, the Secretary of Public Works and Communication, through the Director of Public Works, a request for permission to transfer the location of his point of diversion on the Panlasian Creek, in accordance with the provisions of Act No. 2152, as amended.

(b) That the location of the proposed point of diversion is on the Panlasian Creek, in the municipality of San Jose, Province of Nueva Ecija, 1,500 meters downstream or N. 18° 31' W., 24.70 meters from P.L.S. No. 162 of lot No. 3256, Cabanatuan Cadastre, as shown on the sketch filed with the application.

(c) That in view of such request, any person interested may object to the granting of such permission and that a written protests, stating the reasons for such objection, must be filed in the office of

the Director of Public Works within thirty (30) days, beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Dr. Jesus J. Sanciango, giving address as Misamis, Misamis Occidental, P. I., for the appropriation of the public waters of Dakung Dalang Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on May 24, 1941, and that the source from which the appropriation is to be made is in the Dakung Dalang Creek, in Pagadian, Zamboanga.

(c) That the proposed site of diversion is located on the Dakung Dalang Creek, in the sitio of Dipolo, barrio of Cebuano Barracks, municipality of Pagadian, Province of Zamboanga, N. 47° 52' W., 14,313.93 meters from B. L. L. M. No. 3, Pagadian, Zamboanga, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 60 liters.

(e) That the proposed works are to consist of a permanent dam made of cement and stones, 2 meters high, 1 meter wide at the top, 2.50 meters wide at the bottom, 8 meters long at the top, and 8 meters long at the bottom, and a canal 140 meters long and 0.50 meter wide.

(f) That the appropriation of said waters is desired for power purposes for private use.

(g) That the water requested will be used throughout the year.

Relative to the developing power:

(a) That the amount of power to be developed is 20-horse power.

(b) That the location of point of restoration of the water is 60 meters west from kilometers post No. 58.

(c) That the estimated power available between the point of diversion and restoration during low water in the stream is 15-horse power.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public

Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Enrique Ratilla de la Cruz, giving address as Bustos, Bulacan, for the appropriation of the public waters of Asana Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on July 10, 1941, and that the source from which the appropriation is to be made is in the Asana Creek, in Bustos, Bulacan.

(c) That the proposed site of diversion is located on the Asana Creek, in the barrio of Catacte, municipality of Bustos, Province of Bulacan, the proposed two points of diversion are as follows: Point No. 1 is S. 86° 20' E., 5,235 meters from B. L. L. M. No. 2, Bustos, Bulacan, and point No. 2 is S. 81° 30' E., 4,960 meters from the same monument, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 17 liters.

(e) That the proposed works are to consist of two pumps and canal 800 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Catacte, municipality of Bustos, Province of Bulacan, containing an area of 10.8531 hectares and its boundaries are: North, Escolastica Tantangco and Asana Creek; east, Felix de la Cruz, Angeles de Leon and others; south, Maria Paulino and Florencia Rais Mateo and others; west, Asana Creek, Tomas R. Mateo and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the

last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Enrique Ratilla de la Cruz, giving address as Bustos, Bulacan, for the appropriation of the public waters of Bakao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on July 10, 1941, and that the source from which the appropriation is to be made is in the Bakao Creek, in Bustos, Bulacan.

(c) That the proposed site of diversion is located on the Bakao Creek, in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, S. 64° 20' E., 2,030 meters, from B. L. L. M. No. 2, Bustos, Bulacan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 15 liters.

(e) That the proposed works are to consist of a pump and canal 400 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, containing an area of 8.2767 hectares and its boundaries are: North, Provincial Road, Leonardo R. Cruz and others; east, road, and Segundo Villanueva; south, Bakao Creek, Perfecto de la Cruz and others; west, road.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications through the Director of Public Works, by Enrique Ratilla de la Cruz, giving address as Bustos, Bulacan, for the appropriation of the public waters of Bakao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on July 11, 1941, and that the source from which the appropriation is to be made is in the Bakao Creek, in Bustos, Bulacan.

(c) That the proposed site of diversion is located on the Bakao Creek, in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, S. 47° 31' E., 1,780 meters from B. L. L. M. No. 2, Bustos; Bulacan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 4 liters.

(e) That the proposed works are to consist of a pump and canal 300 meters long and 0.50 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, containing an area of 2.2020 hectares and its boundaries are: North, Valeria Perez; east, Florencio Reis Mateo; south and west, Bakao Creek.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications through the Director of Public Works, by Enrique Ratilla de la Cruz, giving address as Bustos, Bulacan, for the appropriation of the public

waters of Bakao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on July 11, 1941, and that the source from which the appropriation is to be made is in the Bakao Creek, in Bustos, Bulacan.

(c) That the proposed site of diversion is located on the Bakao Creek, in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, the three points of diversion are as follows: Point No. 1 is S. 87° 20' E., 2,680 meters and point No. 2 is S. 74° 30' E., 2,480 meters and point No. 3 is S. 73° 40' E., 2,200 meters from B. L. L. M. No. 2, Bustos, Bulacan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 12 liters.

(e) That the proposed works are to consist of three pumps and canal 600 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, containing an area of 7.7800 hectares and its boundaries are: North and east, Juan Velasquez and others; south, Florencia Reis Mateo and others; west, Florencia Reis Mateo.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications through the Director of Public Works, by Enrique Ratilla de la Cruz, giving address as Bustos, Bulacan, for the appropriation of the public waters of Bakao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office

of the Director of Public Works on July 11, 1941, and that the source from which the appropriation is to be made is in the Bakao Creek, in Bustos, Bulacan.

(c) That the proposed site of diversion is located on the Bakao Creek, in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, the two points of diversion are as follows: Point No. 1 is S. 74° 30' E., 2,640 meters from B. L. L. M. No. 2, Bustos, Bulacan and point No. 2 is S. 77° 09' E., 2,930 meters from the same monument, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 15 liters.

(e) That the proposed works are to consist of two pumps and canal 600 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bonga Menor, municipality of Bustos, Province of Bulacan, containing an area of 10.0127 hectares and its boundaries are: North, Agapito Galvez, Lorenzo Galvez and others; east, Felisa R. Mateo and others; south, Francisco Dinio and others; west, Bakao Creek and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

[5-8]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Fermin A. Simeon, giving address as Gerona, Tarlac, for the appropriation of the public waters of Binituan River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on April 14, 1941, and refiled in acceptable form on June 18, 1941, and that the source from which the appropriation is to be made is in the Binituan River, in Guimba, Nueva Ecija.

(c) That the proposed site of diversion is located on the Binituan River, in the barrio of Partida, municipality of Guimba, Province of Nueva Ecija, N. 87° 30' W., 456.50 meters, from B. L. L. M. No. 7, Guimba, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 45 liters.

(e) That the proposed works are to consist of a pump.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Partida, municipality of Guimba, Province of Nueva Ecija, containing an area of 44.2907 hectares and its boundaries are: North, Binituan River; east, Tomas Tiongson and others; south Ciriaco Catabuna and others; west, Binituan River.

(h) That the water requested will be used from May to November of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE
Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Leoncio S. Diaz, giving address as Buluan, Cotabato, for the appropriation of the public waters of Quipolot Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 3, 1941, and that the source from which the appropriation is to be made is in the Quipolot Creek, in Buluan, Cotabato.

(c) That the proposed site of diversion is located on the Quipolot Creek, in the sitio of Quipolot, barrio of Catico, municipality of Buluan, Province of Cotabato, N. 6° 18' E., 2,000 meters from B. L. L. M. No. 10, Buluan, Cotabato, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 300 liters.

(e) That the proposed works are to consist of a temporary dam made of wood and earth, 2.4 meters

high, 2.5 meters wide at the top, 3.5 meters wide at the bottom, 4.2 meters long at the top, and 3.5 meters long at the bottom, and a canal 2,500 meters long and 2 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Quipolot, barrio of Catico, municipality of Buluan, Province of Cotabato, containing an area of 150 hectares and its boundaries are: North, Agustin Salvia, road and Dianal Dalayodin; east, public land; south, Valeriano Diaz, Pedro Diaz and others; west, Quipolot Creek.

(h) That the water requested will be used from may to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Maximo M. Altamirano and Iluminada R. Generoso, giving address as Candelaria, Tayabas, for the appropriation of the public waters of unnamed creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on January 3, 1941, and refiled in acceptable form on June 23, 1941, and that the source from which the appropriation is to be made is in the unnamed creek, in Ragay, Camarines Sur.

(c) That the proposed site of diversion is located on the unnamed creek, in the sitio of Ibong, barrio of Cale, municipality of Ragay, Province of Camarines Sur, S. 38° 07' W., 501.20 meters from B. L. M. No. 1, Ragay, Camarines Sur, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 17 liters.

(e) That the proposed works are to consist of a permanent dam made of cement, wood and sand, 1 meter high, 0.33 meter wide at the top, 0.75 meter wide at the bottom, 1.50 meters long at the top, and

1.50 meters long at the bottom, and a canal 250 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Ibong, barrio of Cale, municipality of Ragay, Province of Camarines Sur, containing an area of 7 hectares and its boundaries are: North, Psu-108317; east, creek; south, Psu-108317; west, Ildefonso Sebello.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

[5-8]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Maximo M. Altamirano et al., giving address as Candelaria, Tayabas, for the appropriation of the public waters of Boyabod Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on April 16, 1941, and refiled in acceptable form on June 21, 1941, and that the source from which the appropriation is to be made is in the Boyabod Creek, in Tagcawayan, Tayabas.

(c) That the proposed site of diversion is located on the Boyabod Creek, in the sitio of Boyabod, barrio of Catimo, municipality of Tagcawayan, Province of Tayabas, N. 33° 07' W., 650 meters from B. L. M. No. 3, Guinayangan, Tayabas, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 20 liters.

(e) That the proposed works are to consist of a semi-permanent dam made of stones, wood, cement and sand, 2 meters high, 0.80 meter wide at the top, 2 meters wide at the bottom, 5 meters long at the top, and 4 meters long at the bottom, and a canal 200 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Boyabod, barrio of Catimo, municipality of Tagcawayan, Province of Tayabas, containing an area of 10 hectares and its boundaries are: North, Manila Raliroad; east, Telesforo Iglesia and others; south, Gaudencio Salvo; west, Gaudencio Salvo and Jaime Argao.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Veneranda Barroga, giving address as Cabanatuan, Nueva Ecija, for the appropriation of the public waters of Lanib Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 20, 1941, and that the source from which the appropriation is to be made is in the Lanib Creek, in Bongabon, Nueva Ecija.

(c) That the proposed site of diversion is located on the Lanib Creek, in the sitio of Lanib, barrio of Bantug, municipality of Bongabon, Province of Nueva Ecija, S. 83° 30' E., 800 meters from the municipality of Bongabon, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 24 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, branches of trees, and earth, 1 meter high, 1 meter wide at the top, 3 meters wide at the bottom, 5 meters long at the top, and 4 meters long at the bottom, and a canal 600 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Lanib, barrio of Bantug, municipality of Bongabon, Province of Nueva Ecija, containing an

area of 12 hectares and its boundaries are: North, mountain; east, mountain and Matias and Julian Villuan; south, Lanib Creek; west, mountain.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 23, 1941.

V. FRAGANTE

Director of Public Works

[5-8]

NOTICES TO CONTRACTORS

SAN FERNANDO, LA UNION, *July 8, 1941*

Sealed proposals plainly marked "Proposal for the construction of additional wing and balcony of the Municipal Hall of San Fernando," will be received at the office of the district engineer, San Fernando, La Union, until 11 o'clock a. m., August 9, 1941, and then publicly opened for furnishing all the materials (except cement), labor, and plant required and constructing complete one additional wing (5.40 by 13.50 m.) and one balcony (4.44 by 6.06 m. Magalang type), in accordance with B. P. W. plans, set No. 1463, sheets 1, 2, 3, 4, and 5 and specifications at San Fernando, La Union.

Instructions to bidders, general conditions, proposal forms, and plans, and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; and to Commonwealth Acts Nos. 211 and 541, as

amended; and to Department Order No. 86, dated September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the district engineer, San Fernando, La Union, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the municipality of San Fernando.

EDUARDO DE LOS SANTOS

District Engineer

[3-6]

MANILA, July 17, 1941

Sealed proposals plainly marked "Proposal for Plaridel Waterworks, Bulacan," will be received at the office of the Director of Public Works, Manila, and the district engineer, Malolos, Bulacan, until 11 a. m., August 9, 1941 and then publicly opened for furnishing all the materials, labor, and plant required for constructing complete a 100,000-gallon tank in accordance with B. P. W. plans and specifications, for the Plaridel Waterworks, Bulacan.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office or offices above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211 as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking in-

stitution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the amount of bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[4-6]

PASIG, RIZAL, July 17, 1941

Sealed proposals plainly marked "Proposal for the construction, complete, of twenty units of standard market tiendas, 3.20 by 4 meters (double type), of standard plan, as per plans and specifications will be received at the office of the district engineer, Pasig, Rizal," until 11 a. m., August 16, 1941, and then publicly opened for furnishing all the materials, labor, and plant required and constructing complete the above-named twenty units of market tiendas at the premises of the San Agustin Market in Malabon, Rizal.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and to Department Order No. 86, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the provincial treasurer of Rizal in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the municipal government of Malabon, Rizal.

JOSE WRIGHT

District Engineer

[5-7]

MANILA, July 18, 1941

Sealed proposals plainly marked "Proposal for Observatory Radio Station and its Powerhouse, Capalonga, Camarines Norte," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 11, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station and its Powerhouse, in accordance with B. P. W. plans and specifications, set Nos. AA-11160 and AA-11161, at Capalonga, Camarines Norte.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[4-6]

MANILA, July 21, 1941

Sealed proposals plainly marked "Proposal for Dumaguete Waterworks Improvement, Negros Oriental," will be received at the office of the Director of Public Works, Manila; and the district engineer, Dumaguete, Negros Oriental, until 11 a. m., August 16, 1941, and then publicly opened for

furnishing all the materials, labor, and plant required and laying complete the pipe lines, in accordance with B. P. W. plans and specifications, of the Dumaguete Waterworks Improvement, Negros Oriental.

Instruction to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office or offices above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the amount of bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[5-7]

MANILA, July 21, 1941

Sealed proposals plainly marked "Proposal for the reconstruction of the Ilocos Norte Provincial High School, Laoag, Ilocos Norte," will be received at the office of the Director of Public Works, Manila; and the district engineer, Laoag, Ilocos Norte, until 11 a. m., August 18, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the reconstruction of the Ilocos Norte Provincial High School, in accordance with standard B. E.-22-room building, set 610, at Laoag, Ilocos Norte.

Instruction to bidders, general conditions, pro-

posal forms, and plans and specifications are available for issue at the office or offices above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of twenty pesos (₱20) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, or provincial treasurer, Ilocos Norte in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the province.

[5-7]

V. FRAGANTE
Director of Public Works

MANILA, July 22, 1941

Sealed proposals plainly marked "Proposal for Observatory Radio Station and its Power House, Polillo, Tayabas," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 22, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the proposed Observatory Radio Station and its Power House, in accordance with plans and specifications, set AA-11155, Polillo, Tayabas.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been

issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

[5-7]

V. FRAGANTE
Director of Public Works

MANILA, July 22, 1941

Sealed proposals plainly marked "Proposal for the Library and Recreation Hall, Central Luzon Agricultural School, Muñoz, Nueva Ecija," will be received at the office of the Director of Public Works, Manila; and the district engineer, Cabanatuan, Nueva Ecija, until 11 a. m., August 21, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the proposed Library and Recreation Hall, Central Luzon Agricultural School, Muñoz, Nueva Ecija, in accordance with plans and specifications."

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office or offices above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of thirty pesos (₱30) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within

five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, or the provincial treasurer, Cabanatuan, Nueva Ecija, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the province.

V. FRAGANTE

[5-7]

Director of Public Works

MANILA, July 23, 1941

Sealed proposals plainly marked "Proposal for the fabrication of the structural steel for the superstructure of the extension of the Amburayan River Bridge, Ilocos Sur," will be received at the office of the Director of Public Works, Manila, only, until 11 a.m., August 16, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the fabrication of the structural steel for the superstructure of the extension of the Amburayan River Bridge, Km. 356.16, Manila-North Road, Ilocos Sur, in accordance with B. P. W. plans, sets Nos. DD-2729 and 2745.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section

1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

MANILA, July 23, 1941

Sealed proposals plainly marked "Proposal for the Observatory Radio Station and its Power House, Baler, Tayabas," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 25, 1941 and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station and its Power House, at Baler, Tayabas, in accordance with plans and specifications, set AA-11159 and AA-11158.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

[5-7]

V. FRAGANTE
Director of Public Works

MANILA, July 23, 1941

Sealed proposals plainly marked "Proposal for the Observatory Radio Station and its Power House, at Calapan, Mindoro," will be received at the office of the Director of Public Works, Manila, only, until 11 a.m., August 26, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station and its Power House, at Calapan, Mindoro, in accordance with plans and specifications, set AA-11160 and AA-11161.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

[5-7]

V. FRAGANTE
Director of Public Works

MANILA, July 23, 1941

Sealed proposals plainly marked "Proposal for the Observatory Radio Station and its Power

House, at Casiguran, Tayabas," will be received at the office of the Director of Public Works, Manila, until 11 a. m., August 23, 1941 and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station and its Power House, at Casiguran, Tayabas, in accordance with plans and specifications, set AA-11157.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

[5-7]

V. FRAGANTE
Director of Public Works

MANILA, July 24, 1941

Sealed proposals plainly marked "Proposal for the Observatory Radio Station at Dapa, Surigao," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 27, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station at Dapa, Surigao, in accordance with plans and specifications, set No. AA-11162.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective

bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bid must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[5-7]

MANILA, July 24, 1941

Sealed proposals plainly marked "Proposal for the Power House, Lucena, Tayabas," will be received at the office of the Director of Public Works, Manila, until 11 a. m., August 28, 1941 and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Power House, Lucena, Tayabas, in accordance with plans and specifications, set No. AA-11156.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by

those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[5-7]

MANILA, July 24, 1941

Sealed proposals plainly marked "Proposal for the Standard Post and Telegraph Building, Type E, City of Davao, Davao," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 29, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Standard Post and Telegraph Building, Type E, City of Davao, Davao, in accordance with plans and specifications, set No. AA-11182 (revised).

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and

Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[5-7]

MANILA, July 26, 1941

Sealed proposals plainly marked "Proposal for the 32-foot reinforced concrete lighted beacon at Chocolate Island, Daan Bantayan, Cebu," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 21, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of a 32-foot reinforced concrete lighted beacon at Chocolate Island, municipality of Daan Bantayan, Cebu, in accordance with B. P. W. plans and specifications.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to

waive any informality therein or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[5-7]

BUREAU OF COMMERCE

PUBLICATION OF TRADE-MARKS

In accordance with section 2 of Act No. 3202 of the Philippine Legislature, approved December 3, 1924, the following trade-marks, as shown in the labels herein below reproduced, are hereby published:

All oppositions must be filed not later than fifteen days from the day of the last publication in this Gazette.

(SECOND PUBLICATION)

Name of applicant: Lim Gee Lui & Co., Inc., Caloocan, Rizal.

Number of application: 597.

Date filed: April 26, 1941.

Feature of the label claimed as a trade-mark: The words "OLAS DE ORO" together with the representation of a cruiser.

Class: (e).

Articles to which affixed: Cigars and cigarettes.

Claims use: On the date of registration.



Name of applicant: Viuda de A. M. H. Lim Genco & Co., Manila, Philippines.
Number of application: 625.
Date filed: May 24, 1941.

Feature of the label claimed as a trade-mark:
The words "DAILY DOUBLE."

Class (e).

Article to which affixed: cigarettes.

Claims use: On the date of registration.



For the Director of Commerce:

CELEDONIO AGRAVA

Chief, Trade Regulation Division

Assistant to the Director

[4-9]

Notice is hereby given that applications for the registration of the trade-marks and a trade-name, as shown in the labels herein below reproduced, have been filed in this Office:

All oppositions must be filed not later than sixty days from the date of the publication in this Gazette.

Name of applicant: Alejandro N. Dabu, Manila, Philippines.

Number of application: 297.

Date filed: July 15, 1940.

Feature of the label claimed as a trade-name:

The letters A. N. D. with a design.

Business for which applied: Sale and manufacture of radios, shoes, etc.

Claims use: Since 1935.



Name of applicant: Alejandro N. Dabu, Manila, Philippines.

Number of application: 289.

Date filed: July 15, 1940.

Feature of the label claimed as a trade-mark: The letters A. N. D. with a design.

Class (z).

Articles to which affixed: Shirts, undershirts, stockings, etc.

Claims use: Since 1935.



Name of applicant: Frederick Knecht, Manila, Philippines.

Number of application: 638.

Date filed: June 7, 1941.

Feature of the label claimed as trade-mark: The words "LAPU-LAPU."

Class (dd).

Articles to which affixed: Steel strings.

Claims use: Since May 13, 1940.



Name of applicant: Toa Kigyo Company, Ltd., Manila, Philippines.

Number of application: 557.

Date filed: March 14, 1941.

Feature of the label claimed as a trade-mark: The word "POLO."

Class (h).

Articles to which affixed: Plywood.
Claims use: Since September, 1940.

POLO BRAND

Name of applicant: Hideo Sekihara, Manila, Philippines.

Number of application: 620.

Date filed: May 19, 1941.

Feature of the label claimed as a trade-mark:
The word "PIÑA" and the picture of the pineapple.
Class (x).

Articles to which affixed: Cigarette papers.
Claims use: Since March 1, 1941.



Name of applicant: I. H. Meadows, Manila, Philippines.

Number of application: 356.

Date filed: September 16, 1940.

Feature of the label claimed as a trade-mark:
The words R. C. ALLEN."

Class (p).

Articles to which affixed: Adding and calculating machines.

Claims use: Since 1936.



Name of applicant: Gillete Safety Razor Company, New York, U. S. A.

Number of application: 653.

Date filed: June 12, 1941.

Feature of the label claimed as a trade-mark:
The word "MINORA."

Class (p).

Articles to which affixed: Safety razor blades.

Claims use: Since April 18, 1940.



Name of applicant: American Hard Rubber Company, New York, N. Y., U. S. A.

Number of application: 642.

Date filed: June 11, 1941.

Feature of the label claimed as a trade-mark:
The word "STREAMLINE."

Class (z).

Articles to which affixed: Hard rubber combs for dressing the hair.

Claims use: Since September 13, 1937.

STREAMLINE

Name of applicant: Sow Woo Chong & Company, Manila, Philippines.

Number of application: 472.

Date filed: January 13, 1941.

Feature of the label claimed as a trade-mark:

The word "PEACEFUL."

Class (z).

Articles to which affixed: Clothing.

Claims use: Since June, 1940.



Name of applicant: Roth-Buchner G. m. b. H.,
Berlin-Tempelhof, Germany.

Number of application: 502.

Date filed: January 31, 1941.

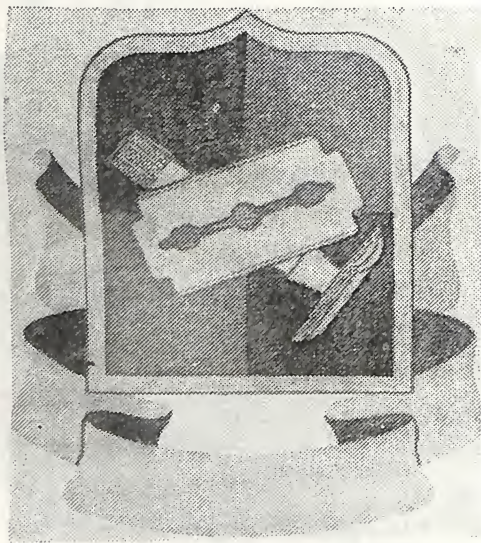
Feature of the label claimed as a trade-mark:

Representation of a fanciful shield with a draped
ribbon over the upper part thereof.

Class (c).

Articles to which affixed: Razor strops, shaving
brushes, shaving soap, etc.

Claims use: Since December 15, 1938.



Name of applicant: Fabriques Movado, La Chaux-
de-Fonds, Switzerland.

Number of application: 596.

Date filed: April 26, 1941.

Feature of the label claimed as a trade-mark:

The word "MOVADO."

Class (q).

Articles to which affixed: Watch.

Claims use: Since August 22, 1923.



Name of applicant: Roth-Buchner G. m. b. H.,
Berlin-Tempelhof, Germany.

Number of application: 503.

Date filed: January 31, 1941.

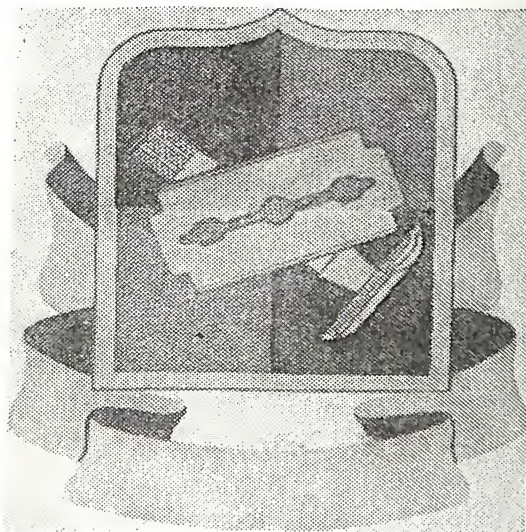
Feature of the label claimed as a trade-mark:

Representation of a fanciful shield with a draped
ribbon over the upper part thereof.

Class (p).

Articles to which affixed: Razors, safety razors,
etc.

Claims use: Since December 15, 1938.



Name of applicant: Steimberger Bros., Inc., New
York, N. Y., U. S. A.

Number of application: 558.

Date filed: March 15, 1941.

Feature of the label claimed as a trade-mark:

The words "SNOW BALL."

Class (aa).

Articles to which affixed: Cotton, woolen, silk, and artificial silk yarn, angora yarn.

Claims use: Since May 1, 1926.



For the Director of Commerce:
CELEDONIO AGRAVA
Chief, Trade Regulation Division
Assistant to the Director

ARMY OF THE PHILIPPINES

Office of the Chief of Engineers

NOTICE TO CONTRACTOR

MANILA, July 24, 1941

Sealed proposals plainly marked "Proposal for Philippine Constabulary construction," will be received and then publicly opened at the Office of the Chief of Engineers, HPA, Manila, for furnishing all the materials, labor, and plant required for the construction, complete, including electrical installation, etc., as per plans and specifications for each project at places as indicated below:

Bids to be opened on August 19, 1941. Time: 11 a. m.

Place	Project	Working days
Malolos, Bulacan.....	One 15-bay barracks with one septic vault..	100
	Two Officers Quarters with one combined septic vault	
Camp Crame, Quezon City.....	One Guard House.....	90
	One Garage for 50 vehicles	
	Two Officers Quarters....	

Bidders when bidding for more than one building will always specify proposal bid for each building. Lump bid for two or more buildings will be accepted provided the cost of each specific building is given.

Instructions to bidders, general conditions, proposals, plans, and specifications may be examined at the office or offices above-named and will only be issued to prospective bidders who have complied with

the requirements of Form "Contractor's Confidential Statement." Additional information will be furnished upon application.

A deposit of ten pesos (₱10) is required for each set of the plans and specifications, which must be returned within twenty days from the opening of bids, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of Proclamation No. 570 and Executive Order No. 422 of the Governor-General, with which all contractors on Government work must comply.

Bids must be accompanied by a proposal bond in the form of cash or certified check, payable to the Philippine Army in the sum of 10 per cent of bid price.

The right is reserved to reject any or all bids, to waive any defect therein, or to accept such bid or part thereof as may be considered most advantageous to the Government.

For the Chief of Engineers:

N. R. JIMENEZ

Captain, Corps of Engineers

Assistant Chief of Engineers

[5-7]

METROPOLITAN WATER DISTRICT

ADVERTISEMENT

Sealed proposals will be received at the Office of the Metropolitan Water District, 176 Arroceros, Manila, Philippines, until 11 a. m., August 6, 1941, and then publicly opened, for furnishing all the materials, labor, and plant, and constructing complete the Social Hall and Property Bodega at 176 Arroceros, City of Manila, Philippines, for the Metropolitan Water District.

Envelopes containing proposals should be sealed and plainly marked, "Proposal for the Social Hall and Property Bodega at 176 Arroceros, Manila, to be opened at 11 a. m., August 6, 1941."

Instructions to bidders, general conditions, proposals, plans, and specifications may be obtained and examined at the above-named office and will be issued only to prospective bidders, who have complied with the requirements of the Bureau of Public Works Administrative Order dated January 28, 1938, and are eligible in accordance with the provisions of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished upon application.

A deposit of fifteen pesos (₱15) is required for each set of plans and specifications, which must be

returned within twenty days from the date of opening the bid, otherwise, the said deposit will be considered as payment therefor.

Bidders are requested to be present at the time stated above when bids for the work will be opened.

Attention is invited to the provisions of Department Order No. 86 dated September 27, 1940, Act No. 4239, and Commonwealth Acts Nos. 138 and 211, as amended, with which all contractors on Government work must comply.

Bids must be accompanied by a proposal bond, in the form of cash or certified check, payable to the Treasurer of the Metropolitan Water District in the sum of not less than 10 per cent of the amount of the bid. Surety proposal bond will not be accepted.

The right is reserved to reject any or all bids, or to accept such bid or bids as may be considered most advantageous to the Metropolitan Water District.

Address all communications to "The Manager, Metropolitan Water District, 176 Arroceros, Manila, Philippines."

AMBROSIO MAGSASAY
Manager

[4-5]

CITY OF MANILA

Office of the Mayor

NOTICE TO CONTRACTORS

July 14, 1941

Sealed proposals plainly marked "Proposal for the construction and completion of the Regidor Elementary School Building" located at corner Teodora Alonso and Lope de Vega Streets, Santa Cruz, Manila, will be received at the Office of the Mayor until 11 a. m., August 14, 1941, and then publicly opened for the furnishing of all labor, materials, equipment, and plants required for the construction, complete, of the Regidor Elementary School Building at corner T. Alonso and Lope de Vega Streets, Santa Cruz, Manila, P. I., in strict accordance with plans and specifications.

Instructions to bidders, information for bidders, general conditions, proposal forms, plans, and specifications, are available for issue at the office of the city engineer to prospective bidders who have filed a satisfactory "Confidential Statement" as prescribed by Chapter XXII-1 of the Bureau of Public Works Manual, and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of forty pesos (P40) is required for the plans and specifications, which must be returned within twenty days from the date of the opening of the bids, by those taking part in the public bidding, and within five days by those not participating; otherwise, the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239, Commonwealth Acts Nos. 211 and 138, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash or certified check, payable to the city treasurer, Manila, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the City of Manila.

EULOGIO RODRIGUEZ
Mayor, City of Manila

ADVERTISEMENT

MANILA, PHILIPPINES, *July 18, 1941*

Sealed proposals for the concession of electric illumination in the Cementerio del Norte and the South Cemetery on All Saints' Day, 1941, will be received at this Office until 11 o'clock a. m. on August 18, 1941, and then publicly opened on the said date and time.

Separate bids for sections 1 and 2, Cementerio del Norte and South Cemetery are requested.

The amount of the bids must be deposited with the city treasurer within ten days from the date of awarding the concession.

Cash or certified check in the sum of P500 must accompany each bid.

Forms for bids and specifications, and all necessary information may be obtained at the office of the city health officer, Manila, Philippines.

The right is reserved to reject any or all bids, to waive any defects, and to accept such bid as may be considered most advantageous to the City of Manila.

EULOGIO RODRIGUEZ
Mayor, City of Manila

COURTS OF FIRST INSTANCE

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur]

CIVIL CASE No. 1.—*In re petition for Philippine citizenship by Que Na (Simeon Formoso)*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Que Na (Simeon Formoso), petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Ilocos Sur by Que Na (Simeon Formoso) who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, on or about the 11th day of May, 1914, and arrived at the Port of Manila, Philippines, on the vessel *Tai Seng*; that he is a resident of Vigan, Ilocos Sur; that his trade or profession is that of merchant in which he has been engaged since 1926; that he is married; that his wife's name is Lim Chiong, who was born in Amoy, China, and now resides at Vigan, Ilocos Sur; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

1. Que Ema, February 14, 1926, Amoy, China—Vigan, Ilocos Sur;
2. Que Tianlay, January 5, 1927, Amoy, China—Vigan, Ilocos Sur;
3. Que Tiantiac, October 10, 1932, Amoy, China—Fookien, China;

that he is able to speak and write English, little Spanish, Ilocano, and Tagalog; that he has enrolled his child of school age in the following school:

Que Tianlay, Hong Kwong Institute, Manila, since June, 1939;

citing Messrs. Jose Villanueva, Sr., and Antonio L. Purisima, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 29th day of August, A. D., 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, a newspaper of general circulation in the Province of Ilocos Sur, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Jose S. Bautista, Judge of the

Court of First Instance of Ilocos Sur, this 19th day of July in the year 1941.

Attest: [SEAL] ALFONSO L. ROSAL
[5-7] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur]

CIVIL CASE No. 2.—*In re petition for Philippine citizenship by Que Chong (Cesareo Formoso)*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Que Chong (Cesareo Formoso), petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Ilocos Sur by Que Chong (Cesareo Formoso) who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China; on or about the 11th day of May, 1914, and arrived at the Port of Manila, Philippines, on the vessel *Tai Seng*; that he is a resident of Vigan, Ilocos Sur; that his trade or profession is that of merchant in which he has been engaged since 1930; that he is married that his wife's name is Que Paihian (*alias* Sioc King), who was born in Amoy, China, and now resides at Vigan, Ilocos Sur; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

1. Rosa Que Formoso, August 21, 1936, Manila—Vigan Ilocos Sur;
2. Juanita Que Formoso, October 9, 1937, Manila—Vigan, Ilocos Sur;
3. Antonio Que Formoso, September 13, 1938, Manila—Vigan Ilocos Sur;
4. William Que Formoso, July 9, 1940; Manila—Vigan Ilocos Sur;

that he is able to speak and write English; citing Messrs. Jose Villanueva, Sr., and Antonio L. Purisima, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court, on the 29th day of August, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, a newspaper of general circulation in the Province of Ilocos Sur, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Jose S. Bautista, Judge of the

Court of First Instance of Ilocos Sur, this 19th day of July in the year 1941.

Attest: [SEAL] ALFONSO L. ROSAL
[5-7] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Nueva Ecija, Third Judicial District]

CIVIL CASE No. 3.—*In re petition for Philippine citizenship by Lim Hoo*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Patricio B. Blando, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Nueva Ecija by Lim Hoo, who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy on the 26th day of December, 1906, and arrived at the Port of Manila, Philippines, on the vessel *S. S. Ruvi Zafiro*, that he is a resident of Cabanatuan, Nueva Ecija; that his trade or profession is that of sales manager of the Sino-Philippine Lumber Co., at Cabanatuan, Nueva Ecija, in which he has been engaged since January, 1925; that he is a widower; that his deceased wife's name was Lee Cho, who was born in Amoy, China, and was a resident at Amoy, China; that he has no child; that he is able to speak and write English and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: That he having continuously resided in the Philippines for about thirty-five years; citing Messrs. Silverio Choco and Andres Navallo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 5th of November, A. D. 1941, at 8 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner once a week for three consecutive weeks in the Official Gazette and in the *La Opinión*, a newspaper of general circulation in the Province of Nueva Ecija, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Dionisio de Leon, Judge of the Court of First Instance of Nueva Ecija, this 8th day of July in the year 1941.

Attest: [SEAL] B. GUZMAN
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Samar, Eighth Judicial District.]

NATURALIZATION No. 6.—*In re petition for Philippine citizenship. Lim Ching Huan, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Solicitor-General, Manila; and Mr. Luciano Ortiz, Calbayog, Samar, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Samar by Lim Ching Huan who alleges that he was born in Amoy, Republic of China; that he is a resident of No. 5, B. Nijaga, Calbayog, Samar; that his trade or profession is that of a merchant in which he has been engaged since 1912; that he is married; that his wife's name is Demetria M. Fua, who was born in Bantayan, Cebu, and now residing at Calbayog, Samar; that he is able to speak and write Spanish and Visayan dialect; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reasons: For having been resided in the Philippines continuously since the year 1906 and immediately preceding the date of this petition; citing Messrs. Cesario R. Ortiz and Hipolito Dira, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court, on the 6th day of December, A. D. 1941, at 8.30 a. m.; and

It is further ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Cebu Herald*, Cebu, Province of Cebu, a newspaper of general circulation in the Province of Samar, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of Court.

Witness the Hon. Antonio E. Cuyugan, Judge of the Court of First Instance of Samar, this 28th day of June, 1941.

[SEAL] ALFONSO M. CINCO
[5-7] Clerk of Court, Samar

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Davao]

CIVIL CASE No. 7.—*In re petition for Philippine citizenship by Luis Ignacio de Rotacche*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Miss Aida Gil, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship

pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Davao by Luis Ignacio de Rotaecche who alleges that he was born in Bilbao, Spain; that he emigrated to the Philippines from Spain on or about the 3rd day of May, 1910, and arrived at the Port of Iloilo, Philippines, on the vessel *Alicante*; that he is a resident of Davao City; that his trade or profession is that of manager, Elizalde & Co., Davao Branch, Davao, in which he has been engaged since 1926; that he is married; that his wife's name is Elisa Ugarte, who was born in Ermita, Manila, and now resides at Tomas Claudio Street, Davao City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Jon Mikel, January 8, 1937, Manila—Residence: Davao City;

Ane Miren, September 27, 1935, Manila—Residence: Davao City;

that he is able to speak and write English, Spanish and Tagalog; that he is the owner of real estate, situated in Manila worth ₱1,000; citing Messrs. Isidro S. Bastida and Jose L. Palma Gil, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 29th day of November, A. D. 1941, at Davao City; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Mt. Apo Broadcast*, a newspaper of general circulation in the Province of Davao, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Salvador Abad Santos, Judge of the Court of First Instance of Davao, this 5th day of July in the year 1941.

Attest: [SEAL] ARTURO MIRANDA, JR.

[5-7]

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Samar, Eighth Judicial District]

NATURALIZATION NO. 7.—*In re petition for Philippine citizenship. Tan Su Bing, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Solicitor-General, Manila, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended

by Commonwealth Act No. 535, has been presented to this Court of First Instance of Samar by Tan Su Bing who alleges that he was born in Amoy, China; that he is a resident in barrio Silanga, Catbalogan, Samar; that his trade or profession is fishing in which he has been engaged since 1926; who was born in Chinkang, China, and now resides in Catbalogan, Samar; that he is able to speak and write English and Visayan (Samareño); that he is entitled to the benefit of Commonwealth Act No. 535 for the following reasons: For having been resided in the Philippines continuously since 1906, and immediately preceding the date of this petition; citing Messrs. Jose Garcia and Cayetano Froilan, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court, on the 6th day of December, A. D. 1941, at 8.30 a. m., and

It is further ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Tribune*, a newspaper of general circulation in the Province of Samar, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of court.

Witness the Hon. Antonio E. Cuyugan, Judge of the Court of First Instance of Samar, this 30th day of June, 1941.

[SEAL] ALFONSO M. CINCO

Clerk of Court, Samar

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Tayabas fifth Judicial District.]

CADASTRAL CASE NO. 11, G. L. R. O. CADASTRAL RECORD NO. 593, LOT NO. 14066.—*The Government of the Philippines, petitioner, vs. Isidro Abadicio et al., claimants.*

NOTICE

On the 7th day of August, 1941, at 8.30 a. m., before this Court of First Instance of Tayabas, will be the hearing of the motion of Trinidad Liwag, be the hearing of the motion of Trinidad Liwag, praying that the one-half share belonging to the deceased Odon O. Obefias of the land described in the Transfer Certificate of Title No. 6696, be apportioned equally to the minors Hermogenes, Josefa, Dolores, and Lorenza surnamed Obefias, and she be appointed guardian ad litem of the said minors; on the said date, hour, and place, all persons interested therein may appear and show cause why said motion should not be granted.

Let this notice be published in the official Gazette according to law.

Lucena, Tayabas, July 8, 1941.

[3-5] [SEAL] JUSTO V. IMPERIAL
Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Camarines Norte, Sixth Judicial District]

SPECIAL CASE NO. 12.—*In the matter of the petition of Marcos Pimentel Cootauco to be admitted a citizen of the Philippines. Marcos Pimentel Cootauco, applicant.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

The Honorable Solicitor-General, Manila, Philippines; Mr. Marcos Pimentel Cootauco, applicant, Daet, Camarines Norte; and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Camarines Norte by Marcos Pimentel Cootauco, who alleges that he was born in Chinkang, China; that actually he is 62 years old, a resident of Daet, Camarines Norte; that he is an employee and at the same time a proprietor, from which he derives an average annual income of ₱6,000; that he is married; that his wife's name is Leonila Yanesa, who was born in Daet, Camarines Norte; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

1. Librada, July 20, 1907, Daet, Camarines Norte—Naga, Camarines Sur;
2. Maria, September 13, 1908; Daet, Camarines Norte—Daet, Camarines Norte;
3. Tomas, January 28, 1910, Daet, Camarines Norte—Daet, Camarines Norte;
4. Aurora, July 30, 1912, Daet, Camarines Norte—Daet, Camarines Norte;
5. Leon, April 19, 1914, Daet, Camarines Norte—Daet, Camarines Norte;
6. Pedro, June 29, 1917, Daet, Camarines Norte—Daet, Camarines Norte;
7. David, December 29, 1919, Daet, Camarines Norte—Daet, Camarines Norte;
8. Isabel, June 2, 1921, Daet, Camarines Norte—Daet, Camarines Norte;
9. Amada, September 13, 1922, Daet, Camarines Norte—Daet, Camarines Norte;
10. Juanita, June 24, 1924, Daet, Camarines Norte—Daet, Camarines Norte;
11. Benjamin, March 19, 1927, Daet, Camarines Norte—Daet, Camarines Norte;

12. Alicia, November 13, 1929, Daet, Camarines Norte—Daet, Camarines Norte;

13. Sofia, January 21, 1931, Daet, Camarines Norte—Daet, Camarines Norte;

that some of his children have already finished their studies, some are already married, and the rest are studying in the following schools:

Isabel, in the Mapua School of Tech.;
Amada, in the Manila College of Pharmacy;
Juanita, in the Camarines Norte High School;
Benjamin, in the Daet Chinese Chamber of Commerce;

Alicia, in the Camarines Norte High School;
and Sofia, in the Daet Elementary School;
that he speaks and writes Spanish, Tagalo, and Bicol; that he is entitled to the benefits of Commonwealth Act No. 535 for the following reasons: That he arrived in the Philippines in April 1892, and that he has already resided in the Philippines for more than 48 years; that he is the owner of real estate, situated in the municipalities of Daet, Basud, Talisay, and Labo, Camarines Norte, and worth ₱40,000; citing Messrs. Manuel Moreno and Santiago Carranceja, both of age, citizens of the Philippines, and residents of the municipality of Daet, Camarines Norte, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 21st day of November, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Bicol Star*, a newspaper of general circulation in the Province of Camarines Norte, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Francisco Alfonso, Judge of the Court of First Instance of Camarines Norte, this 22d day of July, 1941.

[5-7] [SEAL] EMMANUEL SIGUENZA
Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Tarlac, Third Judicial District]

CIVIL CASE NO. 19.—*In re petition for Philippine citizenship. Juan Jimenez Sierra, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Manila, and Mr. Simeon Salak, Tarlac, Tarlac, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pur-

suant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Tarlac by Juan Jimenez Sierra who alleges that he was born in Ronda, Malaga, Spain; that he emigrated to the Philippines from Ronda, Malaga, Spain, on or about the 19th day of March, 1929; and arrived at the Port of Manila, Philippines, on the vessel *C. Lopez y Lopez*; that he is a resident of San Miguel, Tarlac, Tarlac; that his trade or profession is that of an employee of the *Compañia Tabacalera de Filipinas*; that he is married; that his wife's name is Soledad Borrás Arimbay, who was born in Bulan, Albay, Philippines, and now resides in San Miguel, Tarlac, Tarlac; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Pedro Jimenez Arimbay born on April 9, 1931, Manila—San Miguel, Tarlac, Tarlac;

Ana Carmen Jimenez Arimbay born on October 26, 1935, Manila—San Miguel, Tarlac, Tarlac;

Juanita Jimenez Arimbay born on September 25, 1937, Manila—San Miguel, Tarlac, Tarlac;

Trinidad Jimenez Arimbay born on January 28, 1939, San Miguel, Tarlac, Tarlac—San Miguel, Tarlac, Tarlac;

that he is able to speak and write Spanish and Tagalog; that he has enrolled his children of school age in the following schools:

Pedro Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

Ana Carmen Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

Juanita Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of more than ten years; citing Messrs. Arsenio Lugay and Jose Espinosa, jr., both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 24th day of November, A. D. 1941, at 10 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the province of Tarlac, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Pablo Angeles David, Judge of

the Court of First Instance of Tarlac, this 15th day of July, in the year 1941.

Attest:

[4-6]

[SEAL] AURELIO DIGO

Clerk of Court, Tarlac

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE No. 57.—*In re petition for Philippine citizenship by Luciano Vecin y Llorá*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Luciano Vecin y Llorá, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 535, has been presented to this Court of First Instance of Rizal by Luciano Vecin y Llorá who alleges that he was born on the 29th day of March, 1906, in Manila, Philippines; that he is at present a citizen of Spain; that he is a resident of No. 45 Ochoa Street, Pasay, Rizal; that his trade or profession is employee, in which he has been engaged since April 5, 1941; that he is single; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of thirty-five years; citing Messrs. Guillermo Gomez and Ricardo Gonzales Lloret, as witnesses whom the petitioner proposes to introduce in support of this petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 31st day of October, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Diego Locsin, Judge of the Court of First Instance of Rizal, this 11th day of July, 1941.

Attest:

[3-5]

[SEAL] SEVERO ABELLERA

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE No. 61.—*In re petition for Philippine Citizenship by Victoriano Hernandez Perez*

To the Honorable Solicitor-General and Mr. Victoriano Hernandez Perez, petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship

pursuant to Act No. 473, has been presented to this Court of First Instance of Rizal by Victoriano Hernandez Perez who alleges that he was born on the 20th day of May, 1875, at Gil Garcia, Avila, Spain; that he migrated to the Philippines, on or about the 18th day of January, 1897; that he is a resident of No. 2 S. Guzman, S. Juan del Monte, Rizal, and his former address was 304 Cabildo, Intramuros, Manila; that his trade or profession is a merchant; that he is married; that his wife's name is Manuela Villanueva who was born in Batangas, Batangas, and now resides with the petitioner at the above stated address; that he is able to speak and write Spanish, Tagalog, and little English; that he is entitled to the benefit of Act No. 473, having resided continuously in the Philippines, since 1897, and owner of real estate, situated in Manila and worth ₱90,000, citing Messrs. Miguel Cuenco and Miguel Raffiñan, both citizens of the Philippine Islands, as witnesses whom he proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 14th day of October, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this court.

Witness the Hon. Diego Locsin, Judge of the Court of First Instance of Rizal, this 8th day of July, 1941.

Attest: [SEAL] SEVERO ABELLERA
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE No. 63.—*In re petition for Philippine citizenship by Pastora Longa*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Miss Pastora Longa, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Rizal by Pastora Longa who alleges that she was born on the 6th day of August, 1892, in Tanjay, Negros Oriental; that she is at present a citizen of Spain; that she is at present a resident of No. 689 F. B. Harrison Street, Pasay, Rizal, and her former residence was Bais, Negros Oriental; that her trade or profession is a proprietor, in which she has been

engaged for many years ago; that she is married, that her husband's name is Andres Mendiola; that she is the owner of a real estate, situated in Pasay, Rizal, and in Bais, Negros Oriental, and worth around ₱96,000; that she is able to speak and write Spanish and Cebu dialect; that she is entitled to the benefit of Commonwealth Act No. 473 for the following reasons: For having resided continuously in the Philippines since birth, citing Messrs. Guillermo Villanueva and Alfonso D. Prescilla, as witnesses whom the petitioner proposes to introduce in support of this petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 3d day of November, 1941, at 8 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Diego Locsin, Judge of the Court of First Instance of Rizal, this 21st day of July, 1941.

SEVERO ABELLERA
Clerk of Court

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE No. 64.—*In re petition for Philippine citizenship by Andres Soriano Roxas*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Andres Soriano Roxas, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Rizal by Andres Soriano Roxas, who alleges that he was born on the 8th day of February, 1898, in the City of Manila, Philippines; that he is at present a citizen of Spain; that he is a resident of No. 1987 Robert Street, Pasay, Rizal, Philippines; that his trade or profession for the last twenty-three years he has been engaged in the brewery and mining industry as president and director of corporations, from which he derives an average income of ₱150,000; that he is owner of real estate situated in Balintawak, Rizal, valued at ₱7,171.20; that he is married; that his wife's name is Carmen de Montemar de Soriano, who was born in Cuba and who now resides at New York City, New York, United States of America;

that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Jose Maria Soriano y de Montemar, born on February 6, 1925 in Manila, Philippines, and residing at Lawrenceville, New Jersey, United States of America;

Andres Soriano y de Montemar, born on May 4, 1926, Lawrenceville, New Jersey, United States of America;

That he is able to speak and write English, Spanish, and Tagalog; that he has enrolled his children of school age in the following schools:

Jose Maria Soriano y de Montemar, at Lawrenceville School in New Jersey;

Andres Soriano y de Montemar, at Lawrenceville School in New Jersey;

That he is entitled to the benefit of Commonwealth Act No. 473 for the following reason: For having resided continuously in the Philippines; citing Messrs. Ramon J. Fernandez and Gen. Basilio J. Valdes, as witnesses whom the petitioner proposes to introduce in support of this petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 12th day of November, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Alejo Labrador, Judge of the Court of First Instance of Rizal, this 23d day of July, 1941.

Attest: [SEAL] SEVERO ABELLERA
[5-7] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of the Province of Abra, First Judicial District]

CIVIL CASE NO. 634.—*In the matter of the Intestate estate of the deceased, Felicidad Torrijos. Melchor Valeros, applicant.*

ORDER

It is hereby ordered to all those having money claims against the estate of the deceased, Felicidad Torrijos, to present the same within eight months after the first publication of this notice, otherwise, said claims shall be barred.

The administrator is hereby ordered to cause this order to be published in the Official Gazette, during three consecutive weeks and to place in four public

places of the province and two public places within the municipality where the deceased has last resided.

So ordered.

Bangued, Abra, May 13, 1941.

[SEAL] JOSE S. BAUTISTA

[3-5] Judge

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 663.—*In re petition for Philippine citizenship by Carlos Palanca*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. J. B. Laurel, Cu Unjieng Building, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Carlos Palanca who alleges that he was born in Amoy, China, that he emigrated to the Philippines from China in 1884; that he is a resident of 1622 Taft Avenue, Manila; that his trade or profession is that of businessman in which he has been engaged since 1890; that he is a widower; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Marciana, November 2, 1895, 94 N. Domingo, S. Juan;
Angel, October 1, 1898, 51 Invernes;
Sebastian, January 20, 1900, 1360 Gral. Luna;
Justo, October 18, 1908, Pasay, Rizal;
Leonarda, January 4, 1913, 1808 Sandejas;
Miguela, May 8, 1914, 1622 Taft Avenue;
Carlos, jr., June 4, 1916, 110 Villaruel, Pasay;
Antonio, October 6, 1919;
Macario, April 10, 1921;
Milagros, November 29, 1924;
Maria Teresa, October 26, 1926;
Carmen, June 2, 1928;
Ramon, June 23, 1928;
Consuelo, September 2, 1929;
Manuel, January 3, 1931;
Elenita, November 4, 1932; and
Alfredo, July 4, 1935, all are residing at
1622 Taft Avenue, Manila;

that he is able to speak and write Spanish and Tagalog; that he has enrolled his children of school age in the following schools:

Antonio at Sto. Tomas University;
Macario at F. E. U.;

Milagros at Saint Escolastica's;
Teresita and Alfredo at St. Paul's Institution;
Ramon, Carmen, Elenita, Consuelo, and Manuel at St. Stephen's Chinese Girl's.

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of fifty-seven years; citing Messrs. Manuel A. Roxas and Vicente Madrigal, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 3d day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Tribune*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 3d day of July in the year 1941.

Attest. [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 664.—*In re petition for Philippine citizenship by Vicente J. Campa*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Ramirez & Ortigas, Filipinas Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Vicente J. Campa who alleges that he was born in Walled City, Manila, Philippines; that he is a resident of No. 1176 M. H. del Pilar Street; that his trade or profession is that of M. D. graduate; that he is single; that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱15,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: for having been born in the Philippines; citing Messrs. Col. Telesforo Martinez and Arsenio Lacson, both citizens

of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 7th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July, in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 665.—*In re petition for Philippine citizenship by Jose Rafael Romero*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Rafael D. Gonzalez, 329 Echague, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Jose Rafael Romero who alleges that he was born in Bato, Catanduanes, Albay, on the 4th day of January, 1910; that he is a resident of 1235 Santa Mesa, Manila; that his trade or profession is that of employee in which he has been engaged since 1926; that he is married; that his wife's name is Victoria Aenlle, who was born in Melida, Navarra, Spain, and now resides at 1235 Santa Mesa, Manila; that he has a child, and the name, date and place of birth, and place of residence of said child are as follows:

Milagros Cecilia Romero born in the City of Manila on November 22, 1937, now residing at No. 1235 Santa Mesa, Manila;

that he is able to speak and write English, Spanish, and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the Philippines; citing Messrs. Enrique Biel, jr., and Pedro Sanz, both citizens of the Philippines, as the witnesses whom the

petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 7th day of November, A. D., 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 666.—*In re petition for Philippine citizenship by Lee Hui.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Cortes & Reyes, Brias Roxas Building, attorneys for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Manila by Lee Hui who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, in the later part of January, 1923; and arrived at the Port of Manila, Philippines, on or about February 1, 1923; that he a resident of 511 Alvarado Street, Manila; that his trade or profession is that of proprietor and businessman in which he has been engaged since 1928; that he is married; that his wife's name is Chu Kua Po, who was born in Amoy, China, and now resides at 511 Alvarado Street, Manila; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Lee Tiong Shing, born in Chuangchu, China, January 20, 1932—residing at 511 Alvarado; and

Lee Yoc Si, born in Chuangchu, China, February 26, 1937—residing at 511 Alvarado, Manila;

that he is able to speak and write English, Tagalog, and Pangasinan; that he is the owner of Tableria "La Suerte" located at Dagupan, Pangasinan, worth

₱70,000; citing Messrs. Quintin Paredes and Eugenio Perez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition:

Therefore, you are hereby given notice that said petition will be heard by this court, on the 4th day of November, A. D., 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Herald*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 667.—*In re petition for Philippine citizenship by Julio J. Guidotti y Vicoña*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Ramirez y Ortigas, Filipinas Building, Manila, attorneys for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Julio J. Guidotti who alleges that he was born in Intramuros, Manila, on the 15th day of December, 1910; that he is a resident of 1087 R. Hidalgo, Manila; that his trade or profession is that of printer in which he has been engaged since 1933; that he is married; that his wife's name is Alicia Aguado, who was born in Ilocos Norte and now resides at 1087 R. Hidalgo, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Trinidad, February 21, 1935, Manila—1087 R. Hidalgo;

Julia, January 29, 1938, Manila—1087 R. Hidalgo;

Julio, October 17, 1939, Manila—1087 R. Hidalgo;

that he is able to speak and write English, Spanish, and Tagalog; that he has enrolled one of his children of school age in the following school:

Trinidad, at St. Josephs' Academy, Quezon City;

that he is entitled to the benefit of Commonwealth Act No. 535, for the following reason: Having been born in the Philippines; citing Messrs. Jose Warren and Pablo L. Gomba, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 10th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 10th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 668.—*In re petition for Philippine citizenship by Vishnu D. Gokhale*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Bienvenido A. Tan, 240 Dasmariñas, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Manila by Vishnu D. Gokhale who alleges that he was born in Poona City, India; that he emigrated to the Philippines from San Francisco, U. S. A., on the 15th day of June, 1933; and arrived at the Port of Manila, Philippines, on the vessel *President Pierce*; that he is a resident of 1411 Estrada, Singalong; that his trade or profession is that of professor in the University of the Philippines; that he is single; that he is able to speak and write English, Spanish, and Tagalog; that he is entitled to the benefit of section 3, Commonwealth Act No. 473; citing Messrs. Vidal A. Tan and Felipe Estella, both citi-

zens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 10th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 11th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 669.—*In re petition for Philippine citizenship by Celine Lang Vda. de Brunshwig*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Bienvenido A. Tan, 240 Dasmariñas, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Celine Lang Vda. de Brunshwig who alleges that she was born in St. Marie-Aux Mines, France; that she emigrated to the Philippines from St. Marie-Aux Mines, France; and arrived at the Philippines, on the vessel *Rubbi*; that she is a resident of 1016 Carolina, Manila; that her trade or profession is that of housewife; that she is a widow; that she is able to speak and write English, Spanish, and French and understand and speak Tagalog; that she is the owner of real estate, situated in the Philippines; that she is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided in the Philippines since 1904; citing Messrs. Miguel Simon and Agapito Francisco, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 11th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Herald*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 11th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 670.—*In re petition for Philippine citizenship by Felipe Tan*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Felipe Tan, 714 Tabora, Manila, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Felipe Tan who alleges that he was born in Argao, Cebu, on the 8th day of May, 1902; that he is a resident of No. 714 Tabora, Manila; that his trade or profession is that of employee and salesman in which he has been engaged about twelve years ago; that he is married; that his wife's name is Lim Sun, who was born in Lam An, China, and now resides at 714 Tabora, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Chi Hong Tan, December 10, 1925, Lam An, China;

Chi Kay Tan, December 22, 1931, Lam An, China;

Chi Kay Tan, December 22, 1931, Lam An, China;

Chi Sy Tan, October 3, 1933, Lam An, China;

that he is able to speak and write Spanish and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in Argao, Cebu, Philippines; citing Messrs. Gregorio Ablay and Abundio Amano, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 11th day of November, A. D., 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 12th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 672.—*In re petition for Philippine citizenship by Tong Biao*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Fidel J. Silva, Insular Life Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Tong Biao who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, on the 25th day of May, 1909; that he is a resident of 658 Magdalena Street; that his trade or profession is that of broker; that he is married; that his wife's name is Yu Kuy *alias* Tong Kuy, who was born in Fukien, China, and now resides at 658 Magdalena Street; that he has no children; that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱5,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for more than thirty-two years; citing Messrs. Pablo M. Silva and Manuel P. Arenas, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 17th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted

in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 15th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 673.—*In re petition for Philippine citizenship by Helen Grodzicki.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Felicísimo G. Alvendia, % Nubla Law Office, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Helen Grodzicki who alleges that she was born in Manila, Philippines, on the 29th day of April, 1916; that she is a resident of 1114 Dakota, Manila; that her trade or profession is that of saleslady in which she has been engaged since 1938; that she is single; that she is able to speak and write English, Spanish and Tagalog; that she is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in Manila, Philippines; citing Messrs. Cesar de Larrazabal and Juan B. Laeson, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of her petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 17th day of November, A. D. 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 15th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 674.—*In re petition for Philippine citizenship by Enrique Partier*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Sotelo, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Enrique Partier who alleges that he was born in Manila, Philippines, on the 11th day of April, 1908; that he is a resident of 211 Romero Salas Street; that his trade or profession is that of mechanical engineer in which he has been engaged since 1927; that he is married; that his wife's name is Marjorie Gardiner, who was born in Hongkong, China, and now resides at Manila; that he has a child, and the name, date, and place of birth, and place of residence of said child are as follows:

Helen Josephine, born in Hongkong, March 1, 1938;

that he is able to speak and write English, Spanish and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Manila, Philippines; citing Messrs. Vicente Rivera and Francisco Aguado, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 18th day of November, A. D. 1941, at 8:30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto Judge of the Court of First Instance of Manila, this 17th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 675.—*In re petition for Philippine citizenship by Eulalia Nessi*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Orozco, 105 Roces Building, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Eulalia Nessi who alleges that she was born in Bacolod, Negros Occidental, on the 12th day of February, 1874; that she is a resident of 1413 Leveriza, Manila; that her trade or profession is that of housewife; that she is single; that she is able to speak and write Spanish and Visaya; that she is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in Bacolod City, Negros Occidental, Philippines; citing Messrs. Zacarias R. Martin and Luis Decena, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of her petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 24th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this Court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 18th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 676.—*In re petition for Philippine citizenship by Lim Sico*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Marcelo Nubla, Uy Chaco Building, Plaza Cervantes, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended

by Commonwealth Act No: 535, has been presented to this Court of First Instance of Manila by Lim Sico who alleges that he was born in Amoy, China, that he emigrated to the Philippines from China on the 15th day of May, 1896 and arrived at the Port of Manila, Philippines, on the vessel *Esmeralda*; that he is a resident of 78 Rosario, Manila; that his trade or profession is that of merchant in which he had been engaged since 1916; that he is married; that his wife's name is Sy Sing, who was born in Chan-Khi, Amoy, China, and now resides at 78 Rosario, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

1. Lim Hua, born on May 18, 1905, at Fookien, China—now residing at 78 Rosario, Manila;
2. Lim Lian Hong, born on February 25, 1910, at Fookien, China—now residing at 78 Rosario, Manila;
3. Manuel Lim Sico, born on May 16, 1914, at Manila—now residing at 325 V. Gotamco, Pasay;
4. Lim Lian Eng, born on September 27, 1915, at Manila—now residing at Lepanto, Manila;
5. Lim Lian Hay, born on May 9, 1918, at Fookien, China—now residing at 78 Rosario, Manila;
6. Lim Lian Tin, born on January 20, 1928, at Fookien, China—now residing at 325 V. Gotamco, Pasay;
7. Lim Lian King, born on July 7, 1930, at Manila—now residing at 325 V. Gotamco, Pasay;
8. Lim Lian Khai, born on March 8, 1932, in China—now residing at 325 V. Gotamco, Pasay;
9. Lim Lian Pin, born on May 17, 1934, in China—now residing at 325 V. Gotamco, Pasay;
10. Lim Lian Kuon, born on November 5, 1935, in China—now residing at 325 V. Gotamco, Pasay;
11. Lim Lian Seng, born on March 5, 1939, in Manila—now residing at 325 V. Gotamco, Pasay;
12. Liam Lian Hue, born on April 5, 1941 in Manila—now residing at 325 V. Gotamco, Pasay;

that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱93,000; that he has enrolled his children of school age in the following schools:

Lim Lian Tin, San Beda College;
Liam Lian Khai, San Beda College;
Lim Lian Pin, San Beda College;

that he is entitled to the benefit of Commonwealth No. 535 for the following reason: For having resided in the Philippines since 1896; citing Messrs. Nic. Sandalio Ayalde and Arsenio Manalo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 25th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 22d day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 677.—*In re petition for Philippine citizenship by Enrique Vaca*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Frank W. Brady, 517 Insular Life Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Enrique Vaca who alleges that he was born in Cavite, Philippines, on the 30th day of November, 1899; that he is a resident of 904 Pennsylvania Avenue, Manila; that his trade or profession is that of salesman in which he has been engaged since 1923 except 1928-1932; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Manuel Vaca, July 12, 1924, Pasay, Rizal;
Mario Vaca, February 22, 1927, Cavite, Cavite;

that he is able to speak and write English, Spanish, and Tagalog; that he has enrolled his children of school age in the following schools:

Manuel Vaca, Far Eastern University;

Mario Vaca, Union College of Manila;

that he is entitled to the benefit of Commonwealth

Act No. 535 for the following reasons: For having been born in the Philippines; citing Messrs. Silvestre Hipolito and Igmidio Lansanigan, both citizens of the Philippines, as the witness whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 25th day of November, A. D. 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 22d day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 678.—*In re petition for Philippine citizenship by Sebastian Enrique Plana Garcia*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Sebastian Enrique Plana Garcia, 858 Santa Mesa, the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Sebastian Enrique Plana Garcia who alleges that he was born in Binondo, Manila, on the 6th day of June, 1882; that he is a resident of 858 Santa Mesa, Manila; that his trade or profession is that of employee in which he has been engaged since May, 1913; that he is single; that he is able to speak and write Spanish and understand English and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Manila, Philippines; citing Messrs. Lucio Lacson and Jose Ma. Cacho, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 26th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and

in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 22d day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 679.—*In re petition for Philippine citizenship by Martin B. Anderson*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Martin B. Anderson, 424 Quiricada, Manila, the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Martin B. Anderson who alleges that he was born in Kewanee, Illinois, U. S. A.; that he emigrated to the Philippines from the United States on or about the 19th day of September 1900; and arrived at the Port of Manila, Philippines, on the vessel *U. S. Transport Sherman*; that he is a resident of 424 Quiricada, Manila; that his trade or profession is that of property-owner and pensioner in which he has been engaged since 1926; that he is married; that his wife's name is Gabriela Carpio, who was born in San Mateo, Rizal, and now resides at 424 Quiricada, Manila; that he has a child, and the name, date, and place of birth, and place of residence of said child are as follows:

Consolacion Benita Anderson, born in San Mateo, Rizal, on October 7, 1905—residing at 20 Bayani Street, Galas, Quezon City;

that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱12,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided in the Philippines since 1900; citing Messrs. Agapito Silva and Jolse Belmonte, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 26th day of November, A. D. 1941, at 8.30 a. m.; and It is hereby ordered that this notice be published

at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 22d day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
By: AMBROLIO V. BORJA
Clerk of the Court
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 682.—*In re petition for Philippine citizenship by Antonio Brias y Roxas*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Picazo & Mejia, Fourth Floor, Soriano Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Antonio Brias y Roxas who alleges that he was born in Manila, Philippines, on the 6th day of February, 1883; that he is a resident of 748 Dakota, Manila; that his trade or profession is that of engineer and vice-president of San Miguel; that he is married; that his wife's name is Carmen Echegoyen, who was born in Manila, Philippines, and now resides at 748 Dakota, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Maria del Carmen Brias, December 11, 1912, 748 Dakota, Manila;

Amelia Brias, April 9, 1916, 748 Dakota, Manila;

Antonio Brias, jr., July 5, 1918, 748 Dakota, Manila;

Maria Leticia Brias, July 6, 1920, 748 Dakota, Manila;

Jaime Brias, April 12, 1924, 748 Dakota, Manila;

that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila and Baguio worth ₱100,000; that he has enrolled his children of school age in the following schools:

Jaime Brias, La Salle College, Manila;

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: for having been born in the City of Manila, Philippines; citing Messrs. Ramon J. Fernandez and Guillermo Gomez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 18th day of November, A. D. 1941, at 8:30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 25th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Mindoro, Fifth Judicial District.]

SPECIAL PROCEEDING No. 880.—*In re Testate estate of the deceased Guadalupe San Agustin. Virgilio San Agustin, petitioner; Geronimo San Agustin, oppositor.*

NOTICE OF HEARING

A petition having been presented in this court by Virgilio San Agustin praying the allowance of a document alleged to be the last will and testament of Guadalupe San Agustin, who died on February 5, 1941, in the municipality of Calapan, Mindoro, Philippines, leaving properties therein and the appointment of the petitioner as special administrator pending probation of said will.

By these presents the hearing of said petition is hereby set for September 13, 1941, at 8.30 a. m., in the session hall of this court, at which time and place all persons interested in said estate are hereby cited to appear to show cause why said petition should not be granted.

Let this notice be published in the Official Gazette once a week for three consecutive weeks before the date of hearing.

Witness the Hon. Mariano L. de la Rosa, Judge of said Court, this 18th day of July, 1941.

[5-7] [SEAL] ARSENIO E. MERCADO
Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Justice of the Peace Court of Vigan, Ilocos Sur, Fifth Judicial District]

CIVIL CASE No. 1040.—*Chan Teh, plaintiff, vs. Cirilo Quibilan, defendant*

OFFICE OF THE PROVINCIAL SHERIFF
Vigan, Ilocos Sur

ORDER OF ATTACHMENT AND NOTICE OF SALE

Whereas an order of execution in the above-entitled case was issued against the defendant Cirilo Quibilan for the recovery of the sum of ₱118.25 together with legal interests and the legal fees of this office for the services of this execution; and

Whereas the defendant Cirilo Quibilan, according to the plaintiff, Chan Teh, is the owner of the following described properties:

A residential lot situated in the barrio of Raois, Vigan, Ilocos Sur, bounded on the north, by properties of Dionisio Alimboyuguen and Espiridion Castañeda; on the east, lane; on the south, Espiridion Castañeda; and on the west, Domingo Aurellado; containing an area of 7,783 square meters, more or less; declared under tax No. 11982-A in the name of Manuel Quibilan and Juan Floirendo, and assessed for ₱90. There exists in this residential lot a permanent improvement consisting of a house of mixed materials, with galvanized iron roofing, with a ground floor of 140.70 square meters, of two stories with concrete walls in the first story; declared under tax No. 16894-A, and assessed for ₱1,000, in the name of Manuel Quibilan.

A parcel of stony land situated in Rugsuanan, Vigan, Ilocos Sur, bounded on the north, lane; on the east, stony land; on the south, stony land; and on the west, Marcos Floirendo; containing an area of 17,900 square meters, more or less; declared under tax No. 14857-A, and assessed for ₱50.

Wherefore, all rights, interests, and participation which the said Cirilo Quibilan may have in the foregoing properties are hereby attached and levied upon, and the said properties shall be sold at public auction for cash to the highest bidder in the provincial capitol, Vigan, Ilocos Sur, on the 18th day of August, 1941, between 10.30 a. m. and 5.00 o'clock p. m. This order of attachment and notice of sale shall be published in the Official Gazette once a week for three consecutive weeks. A copy of this order and notice was sent to the defendant Cirilo Quibilan by registered mail and another copy was sent to the plaintiff Chan Teh by ordinary mail. Three copies of this order and notice were posted in three conspicuous places in Vigan, Ilocos Sur.

Done at Vigan, Ilocos Sur, this 7th day of July, 1941.

[SEAL] MAXIMO J. SAVELLANO
Provincial Sheriff

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Laguna, Fifth Judicial District]

SPECIAL PROCEEDING No. 3535.—*In the matter of the adoption of the minors Soledad Ong and Arnulfo Ong. Geminiano Ong Acero and Gloria Gomez Ong, petitioners.*

ORDER

A verified joint petition, dated July 11, 1941, having been presented by the spouses Geminiano Ong Acero and Gloria Gomez Ong, residents of the municipality of Siniloan, Laguna, praying for the adoption of the minors Soledad Ong and Arnulfo Ong, 10 and 7 years of age, respectively, also residents of the same municipality; and said petition being accompanied by the written consent of the parents of the minors, Chin Kim Tia and Tan Sico Go;

It is hereby ordered that this petition be, and is hereby, set for hearing on August 15, 1941 at 8.30 o'clock in the morning, before this Court at Santa Cruz, Laguna, and any interested party may appear on said time, date and place, to show cause why said petition should not be granted.

It is further ordered that a copy of this order be published in the Official Gazette, once a week for three consecutive weeks, prior to the date of the hearing, at the expense of the petitioners.

So ordered.

Santa Cruz, Laguna, July 15, 1941.

[SEAL] ARSENIO P. DIZON

[4-6]

Judge

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE No. 3804.—*Intestate estate of the deceased Espiritu Paraiso. Dionisia Romero, petitioner.*

ORDER

A petition having been filed in the above-entitled case praying for the opening of proceedings over the estate of Espiritu Paraiso, who is alleged to have died intestate on September 25, 1937, and who at the time of his death was a resident of Vigan, Ilocos Sur, such estate, consisting of real properties valued at ₱22,960, being located in the Province of Ilocos Sur, against which the petitioner has a claim of ₱1,800;

It is hereby ordered, that the hearing of said petition be set for August 30, 1941, at 8.30 a. m., before this court at Vigan, Ilocos Sur, and that a copy hereof be published in the Official Gazette once

a week during three consecutive weeks for the information of all concerned.

So ordered.

Vigan, Ilocos Sur, July 12, 1941.

[SEAL] JOSE S. BAUTISTA

[4-6]

Judge

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Cavite, Fifth Judicial District]

CIVIL CASE No. 3852.—*In re petition for adoption of minor Angelita Lopez. Francisco Sierra and Petronila de Sierra, petitioners.*

ORDER

A verified petition having been filed by spouses Francisco Sierra and Petronila de Sierra both of the City of Cavite, thru their counsel, Atty. Vicente Perrin, praying that they be allowed to adopt the above-named minor so that she may be considered to all legal intents and purposes as their own child and that she may bear their surname, they being able to bring up and educate her, financially and otherwise; and it appearing that the said petition is supported by the written conformity of the father of the said minor:

It is hereby ordered that a hearing be had on said petition in this Court of First Instance of Cavite at Cavite City, Philippines, on August 25, 1941, at 8.30 a. m., so that any person interested may appear and show cause, if any, why the petition should not be granted.

Notice of this hearing shall be given by publication hereof once a week for three consecutive weeks in the Official Gazette edited in Manila, at the cost of the petitioners.

So ordered.

Cavite City, Philippines, this 16th day of July, 1941.

[SEAL] EULALIO GARCIA

[5-7]

Juez

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Capiz]

CIVIL CASE No. 3864.—*In re petition for Philippine citizenship by Sebastian Corro y Guardia*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Sebastian Corro y Guardia, petitioner c/o Central Azucarera de Pilar, Pilar, Capiz, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 has been presented to this Court of First Instance of Capiz by Sebastian Corro y Guardia, who alleges that he

was born in Manila on February 28, 1911, is a resident of Pilar, Capiz, Philippines, citing Gov. Gabriel K. Hernandez and Arturo A. Jugo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition; therefore,

You are hereby given notice that said petition will be heard by this court on the 19th day of December, 1941, at 8 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *El Tiempo*, a newspaper of general circulation in the Province of Capiz, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Catalino Buenaventura, Judge of the Court of First Instance of Capiz, this 2d day of July in the year 1941.

Attest: [SEAL] JUAN L. PASTRANA
[4-6] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE NO. 3871.—*Intestate estate of the deceased Miguel Segundo. Antonia Ortega, petitioner.*

ORDER

Pursuant to Rule 87 of the Courts of the Philippines, all who may have claims of money against the deceased Miguel Segundo are hereby ordered to file same in the office of the clerk of this court within the time of eight months beginning from this date.

The administratrix Antonia Ortega is ordered to publish this order in the Official Gazette once a week during three consecutive weeks and to fix the same period copies hereof in four conspicuous places in the province and in two conspicuous places in the municipality where the said deceased last resided.

So ordered.

Vigan, Ilocos Sur, July 16, 1941.

[SEAL] JOSE S. BAUTISTA
Judge

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE NO. 3939.—*Intestate estate of the deceased Bartola Alcayaga. Teodorica Favis, applicant.*

ORDER

Pursuant to Rule 87 of the Courts of the Philippines, all who may have claims of money against

the deceased Bartola Alcayaga are hereby ordered to file same in the office of the clerk of this court within the time of eight months beginning from this date.

The administrator F. Andres Alcayaga is ordered to publish this order in the Official Gazette once a week during three consecutive weeks and to fix during the same period copies hereof in four conspicuous places in the province and in two conspicuous places in the municipality where the said deceased last resided.

So ordered.

Vigan, Ilocos Sur, July 9, 1941.

[SEAL] JOSE S. BAUTISTA
Judge

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE NO. 3957.—*Petrona Trinidad, plaintiff vs. Isabelo Trinidad, Tiburcia Trinidad, Felipe Trinidad, and Pio Trinidad, Defendants.*

ORDER

Upon the filing of the complaint in this case, praying for the partition of two portions of a parcel of land, situated in the municipality of Magsingal, Ilocos Sur, Philippines, consisting of magueyland and two fishponds, and upon petition of the plaintiff, let the defendant Pio Trinidad, who is alleged to be of unknown whereabouts and who cannot be located, be summoned, through publication of this order in the Official Gazette, once a week during three consecutive weeks; said defendant being required to appear before this Court of First Instance, at Vigan, Ilocos Sur, Philippines, on or before the 30th day of August, 1941, to answer said complaint or file whatever pleading in his defense. Should he fail to do so on or before the time fixed above, the party plaintiff will be entitled to ask that judgment by default be entered against said defendant, and that she be granted such relief as prayed for in her complaint.

The plaintiff is ordered to send by ordinary mail to the said defendant, and at his postal address last known, copies of this order and of the complaint and present timely the affidavits required in article 21 of Rule 7 of the Court.

So ordered.

Vigan, Ilocos Sur, July 8, 1941.

[SEAL] JOSE S. BAUTISTA
Judge

[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE No. 8787.—*In the matter of the petition of Sebastian Cosculluela to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Sebastian Cosculluela, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Sebastian Cosculluela who alleges that he was born in Barbastro, Spain, on January 20, 1905; that he is resident in the City of Bacolod, Province of Negros Occidental, Philippines; that his trade or profession is an employee of the Manila Motors Co., Inc., in which he is engaged since 1935; that he is married; that his wife is Teresa Aderna; that he has children; and the name, date, and place of birth of said children are as follows:

Rosalinda Cosculluela born in Cebu on August 22, 1931;

Jose Roberto Cosculluela born in Cebu on October 15, 1933;

Alfonso Fermin Cosculluela born in Cebu on June 29, 1936;

Carmenhu Cosculluela born in Bacolod on October 11, 1939;

that he is able to speak and write English and Spanish languages; that his annual income is ₱4,000; that his children are enrolled in Colegio de la Consolacion, City of Bacolod, Philippines; that he is entitled to the benefit of Commonwealth Act No. 473, for having resided continuously in the Philippines for a period of twenty years; citing Messrs. Rafael B. Grey and Dr. Jesus Nolasco, both citizens of the Philippines and residents in the City of Bacolod, Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court. Witness the Hon. Pablo S. Rivera, Judge of the

Court of First Instance of Negros Occidental, this 24th day of June, 1941.

Attest:

[3-5]

[SEAL] RUFO DE BOSCH

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE No. 8788.—*In re petition for Philippine citizenship by Jose Ynza*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Hugo P. Rodriguez, Isabela, Negros Occidental, attorney for the petitioner, Mr. Jose Ynza, Manapla, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Ynza who alleges that he was born in Iloilo City, Philippines; that he is a resident of Manapla, Negros Occidental; that his trade or profession is that of proprietor; that he is single; that he is able to speak and write English, Spanish, and Visayan; that he is the owner of real estate, situated in the Province of Negros Occidental worth ₱150,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Iloilo, Philippines; citing Messrs. Jesus Ganzon and Hugo P. Rodriguez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 24th day of June, in the year 1941.

Attest:

[3-5]

[SEAL] RUFO DE BOSCH

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8803.—*In the matter of the petition of Jose Zubiri y Berruezo.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Zubiri y Berruezo and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Zubiri y Berruezo who alleges that he was born in Tafalla, Navarra, Spain, on April 9, 1883; that he is resident in the municipality of Ilog, Province of Negros Occidental, Philippines; that his trade or profession is an employee, in which he is engaged since 1906; that he is single; that he is able to speak and write Spanish, Visayan, and English languages; that his annual income is ₱4,200; that he is entitled to the benefit of Commonwealth Act No. 473, as amended by Act No. 535, for having resided continuously in the Philippines for a period of thirty-five years; citing Messrs. Norberto Cordova and Ricardo Rubin, both citizens of the Philippines, and residents in the municipality of Kabankalan, Province of Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D., 1941, at 8:30 a. m., and it is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the official Gazette and in the *La Vanguardia*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court.

Witness the Hon. Pablo S. Rivera, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

Attest:

[SEAL] RUFO DE BOSCH
Clerk of Court

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8810.—*In re petition for Philippine citizenship by Angel Echarri Diez*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Angel Echarri Diez, Kabankalan, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pur-

suant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Angel Echarri Diez, who alleges that he was born in Estella, Navarra, Spain, in March 25, 1905; that he emigrated to the Philippines, from Barcelona, Spain, on or about the 14th day of January, 1925, and arrived in the Port of Manila, Philippines, on the vessel *S. S. Legaspi*; that he is a resident of Kabankalan, Negros Occidental; that his trade or profession is that of farmer which he has been engaged since 1925, and from which he derives an average annual income of ₱5,000; that he is single; that he is able to speak and write Spanish and the Visayan dialect; citing Messrs. Gerardo Rivera and Federico Guanzon, both citizens of the Philippines, as witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

[SEAL] RUFO DE BOSCH
Clerk of Court

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8816.—*In re petition for Philippine citizenship by Marcelino Galatas Renteria.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Marcelino Galatas Renteria, La Carlota, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Marcelino Galatas Renteria who alleges that he was born in Manila City, Philippines; that he is a resident of La Carlota, Negros Occidental; that his trade or profession is that of industrial engineer, from which he derives an average annual income of ₱11,100; that he is married; that his wife's name is Maria Chezzi, who was born in Kealia, Hawaii, and now resides at La Carlota, Negros Occidental; that

he has a child, her name, date, and place of birth and residence are as follows:

Maria Cruz, born on July 28, 1940, in the City of Iloilo-La Carlota, Negros Occidental;

that he is able to speak and write English and Spanish; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Manila, Philippines; citing Messrs. Manuel del Rosario and Jose F. Silverio both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 24th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 16th day of July in the year 1941.

[SEAL] RUFO DE BOSCH
Clerk of Court

[5-7]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila, Branch III]

CIVIL CASE NO. 59606.—*Petition to change name of Robert Coleman Allen. Robert Coleman Allen, petitioner.*

ORDER

A verified petition having been filed by Robert Coleman Allen, alleging that he is a bona fide resident of Manila, Philippines, since 1935; that since boyhood at the age of three years, he has been known by his friends under the name of Robert Coleman Allen; and that his name Robert L. Coleman, which appears on his birth certificate, has caused him a lot of inconveniences and confusion in his relations with other peoples, and praying that, after hearing, his real name be changed from that of Robert L. Coleman to that of Robert Coleman Allen;

It appearing that said petition is sufficient in form and substance;

Now, therefore, the court hereby sets for hearing the aforesaid petition on January 21, 1942, at 8.30 a. m. Branch III, 121 Arzobispo Street,

Intramuros, Manila, and directs that a copy of this order be published in the Official Gazette once a week for three successive weeks. Any person interested in the petition may appear at the hearing to show cause, if any he has, why the petition should not be granted.

Let a copy of this order be served upon the Solicitor-General.

It is so ordered.

Manila, Philippines, July 14, 1941.

[SEAL] MARCELO T. BONCAN

[4-6]

Judge

Office of the Sheriff of Manila

NOTICE OF EXTRAJUDICIAL SALE OF MORTGAGED PROPERTIES

By virtue of the power of attorney inserted in the deed of mortgage executed by Ramon Ramos on September 9, 1938, in favor of the Postal Savings Bank Fund (Agricultural and Industrial Bank), and for the satisfaction of the debt of ₱49,885.26 as of May 31, 1941, plus interest from the latter date, and the fees and expenses in connection with this sale secured by said mortgage, the terms of which have been violated, the undersigned announces at the request of the mortgagee that on August 23, 1941, at 10 a. m., at the entrance to the Court of First Instance of Manila (Jesuits Building), 121 Arzobispo, Intramuros, Manila, he will sell at public auction to the highest bidder for cash, in accordance with the provisions of Act No. 3135, as amended, the following real property with the buildings and improvements thereon:

Transfer Certificate of Title No. 54438

A parcel of land (lot No. 5 of block No. 2175 of the cadastral survey of Manila), with all buildings and improvements except those herein expressly noted as belonging to other persons, situated on the NW. line of Calle Sales, Santa Cruz, Manila. Bounded on the NE. by property of Vicente Lazaro et al. (lot No. 7 of block No. 2175); on the SE. by Calle Sales; on the SW. by property of Macario Rufino (lot No. 2 of block No. 2175); and on the NW. by property of the City of Manila (lot No. 12 of block No. 21753). Containing an area of four hundred twelve square meters and ten square decimeters (412.10), more or less.

Manila, Philippines, July 11, 1941.

L. PASICOLAN

[5-7]

Sheriff of Manila

RATES OF SUBSCRIPTION AND SELLING
PRICES OF CURRENT AND BACK ISSUES
OF THE OFFICIAL GAZETTE EFFEC-
TIVE JULY 1, 1941

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[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE No. 8787.—*In the matter of the petition of Sebastian Cosculluela to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Sebastian Cosculluela, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Sebastian Cosculluela who alleges that he was born in Barbastro, Spain, on January 20, 1905; that he is resident in the City of Bacolod, Province of Negros Occidental, Philippines; that his trade or profession is an employee of the Manila Motors Co., Inc., in which he is engaged since 1935; that he is married; that his wife is Teresa Aderna; that he has children; and the name, date, and place of birth of said children are as follows:

Rosalinda Cosculluela born in Cebu on August 22, 1931;

Jose Roberto Cosculluela born in Cebu on October 15, 1933;

Alfonso Fermin Cosculluela born in Cebu on June 29, 1936;

Carmen Chu Cosculluela born in Bacolod on October 11, 1939;

that he is able to speak and write English and Spanish languages; that his annual income is ₱4,000; that his children are enrolled in Colegio de la Consolacion, City of Bacolod, Philippines; that he is entitled to the benefit of Commonwealth Act No. 473, for having resided continuously in the Philippines for a period of twenty years; citing Messrs. Rafael B. Grey and Dr. Jesus Nolasco, both citizens of the Philippines and residents in the City of Bacolod, Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court.

Witness the Hon. Pablo S. Rivera, Judge of the

Court of First Instance of Negros Occidental, this 24th day of June, 1941.

Attest:

[3-5]

[SEAL] RUFO DE BOSCH

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE No. 8788.—*In re petition for Philippine citizenship by Jose Ynza*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Hugo P. Rodriguez, Isabela, Negros Occidental, attorney for the petitioner, Mr. Jose Ynza, Manapla, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Ynza who alleges that he was born in Iloilo City, Philippines; that he is a resident of Manapla, Negros Occidental; that his trade or profession is that of proprietor; that he is single; that he is able to speak and write English, Spanish, and Visayan; that he is the owner of real estate, situated in the Province of Negros Occidental worth ₱150,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Iloilo, Philippines; citing Messrs. Jesus Ganzon and Hugo P. Rodriguez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 24th day of June, in the year 1941.

Attest:

[3-5]

[SEAL] RUFO DE BOSCH

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8803.—*In the matter of the petition of Jose Zubiri y Berruezo.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Zubiri y Berruezo and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Zubiri y Berruezo who alleges that he was born in Tafalla, Navarra, Spain, on April 9, 1883; that he is resident in the municipality of Ilog, Province of Negros Occidental, Philippines; that his trade or profession is an employee, in which he is engaged since 1906; that he is single; that he is able to speak and write Spanish, Visayan, and English languages; that his annual income is ₱4,200; that he is entitled to the benefit of Commonwealth Act No. 473, as amended by Act No. 535, for having resided continuously in the Philippines for a period of thirty-five years; citing Messrs. Norberto Cordova and Ricardo Rubin, both citizens of the Philippines, and residents in the municipality of Kabankalan, Province of Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D., 1941, at 8:30 a. m., and it is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the official Gazette and in the *La Vanguardia*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court.

Witness the Hon. Pablo S. Rivera, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

Attest:

[SEAL] RUFO DE BOSCH
Clerk of Court

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8810.—*In re petition for Philippine citizenship by Angel Echarri Diez*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Angel Echarri Diez, Kabankalan, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pur-

suant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Angel Echarri Diez, who alleges that he was born in Estella, Navarra, Spain, in March 25, 1905; that he emigrated to the Philippines, from Barcelona, Spain, on or about the 14th day of January, 1925, and arrived in the Port of Manila, Philippines, on the vessel *S. S. Legaspi*; that he is a resident of Kabankalan, Negros Occidental; that his trade or profession is that of farmer which he has been engaged since 1925, and from which he derives an average annual income of ₱5,000; that he is single; that he is able to speak and write Spanish and the Visayan dialect; citing Messrs. Gerardo Rivera and Federico Guanzon, both citizens of the Philippines, as witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

[SEAL] RUFO DE BOSCH
Clerk of Court

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8816.—*In re petition for Philippine citizenship by Marcelino Galatas Renteria.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Marcelino Galatas Renteria, La Carlota, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Marcelino Galatas Renteria who alleges that he was born in Manila City, Philippines; that he is a resident of La Carlota, Negros Occidental; that his trade or profession is that of industrial engineer, from which he derives an average annual income of ₱11,100; that he is married; that his wife's name is Maria Chezzi, who was born in Kealia, Hawaii, and now resides at La Carlota, Negros Occidental; that

he has a child, her name, date, and place of birth and residence are as follows:

Maria Cruz, born on July 28, 1940, in the City of Iloilo-La Carlota, Negros Occidental;

that he is able to speak and write English and Spanish; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Manila, Philippines; citing Messrs. Manuel del Rosario and Jose F. Silverio both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 24th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 16th day of July in the year 1941.

[SEAL] RUFO DE BOSCH
Clerk of Court

[5-7]

(United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila, Branch III)

CIVIL CASE No. 59606.—*Petition to change name of Robert Coleman Allen. Robert Coleman Allen, petitioner.*

ORDER

A verified petition having been filed by Robert Coleman Allen, alleging that he is a bona fide resident of Manila, Philippines, since 1935; that since boyhood at the age of three years, he has been known by his friends under the name of Robert Coleman Allen; and that his name Robert L. Coleman, which appears on his birth certificate, has caused him a lot of inconveniences and confusion in his relations with other peoples, and praying that, after hearing, his real name be changed from that of Robert L. Coleman to that of Robert Coleman Allen;

It appearing that said petition is sufficient in form and substance;

Now, therefore, the court hereby sets for hearing the aforesaid petition on January 21, 1942, at 8.30 a. m. Branch III, 121 Arzobispo Street,

Intramuros, Manila, and directs that a copy of this order be published in the Official Gazette once a week for three successive weeks. Any person interested in the petition may appear at the hearing to show cause, if any he has, why the petition should not be granted.

Let a copy of this order be served upon the Solicitor-General.

It is so ordered.

Manila, Philippines, July 14, 1941.

[SEAL] MARCELO T. BONCAN

[4-6]

Judge

Office of the Sheriff of Manila

NOTICE OF EXTRAJUDICIAL SALE OF MORTGAGED PROPERTIES

By virtue of the power of attorney inserted in the deed of mortgage executed by Ramon Ramos on September 9, 1938, in favor of the Postal Savings Bank Fund (Agricultural and Industrial Bank), and for the satisfaction of the debt of ₱49,885.26 as of May 31, 1941, plus interest from the latter date; and the fees and expenses in connection with this sale secured by said mortgage, the terms of which have been violated, the undersigned announces at the request of the mortgagee that on August 23, 1941, at 10 a. m., at the entrance to the Court of First Instance of Manila (Jesuits Building), 121 Arzobispo, Intramuros, Manila, he will sell at public auction to the highest bidder for cash, in accordance with the provisions of Act No. 3135, as amended, the following real property with the buildings and improvements thereon:

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A parcel of land (lot No. 5 of block No. 2175 of the cadastral survey of Manila), with all buildings and improvements except those herein expressly noted as belonging to other persons, situated on the NW. line of Calle Sales, Santa Cruz, Manila. Bounded on the NE. by property of Vicente Lazaro et al. (lot No. 7 of block No. 2175); on the SE. by Calle Sales; on the SW. by property of Macario Rufino (lot No. 2 of block No. 2175); and on the NW. by property of the City of Manila (lot No. 12 of block No. 21753). Containing an area of four hundred twelve square meters and ten square decimeters (412.10), more or less.

Manila, Philippines, July 11, 1941.

L. PASICOLAN

Sheriff of Manila

[5-7]

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